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COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Third and fourth periodic reports of States parties

BELGIUM*

* For the initial report submitted by the Government of Belgium, see CEDAW/C/5/Add.53; for its consideration by the Committee, see CEDAW/C/SR.143 and 146 and Official Records of the General Assembly, Forty-fourth Session, Supplement No. 38 (A/44/38), paras. 266-312. For the second periodic reports submitted by the Government of Belgium, see CEDAW/C/BEL/2; for its consideration by the Committee, see CEDAW/C/SR.300 and 301 and Official Records of the General Assembly, Fifty-first Session, Supplement No. 38 (A/51/38), paras. 164-196.

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This double report presented by Belgium, covering the period 1989-1997, highlights the country's growing awareness of the goals to be achieved in terms of equality between men and women, and describes the comprehensive policies that have been developed and the new structures that have been introduced, at both the political and the administrative level, reflecting the federal nature of the Belgian state.

The report describes initiatives by the different levels of authority (federal, community and regional), whether joint, shared or specific, and reflects the particular emphasis given by each level to its various responsibilities under the policy of equality between men and women.

Article 1

The basic articles of the Belgian Constitution stipulate that all Belgians are equal before the law (art. 10), and that all powers emanate from the Nation (art. 33). The individual liberty of citizens is guaranteed and the law forbids any discrimination between them (art. 11 and art. 12).

The only discriminatory provision in the Constitution regarding women was found in the former article 60, which read:

Art. 60 - "The constitutional powers of the King are hereditary in the direct line of ... heirs, from male to male, in order of primogeniture, to the perpetual exclusion of women and their descendants."

This discriminatory provision was eliminated on 21 June 1991, and the reservation entered by Belgium upon its accession to this convention is therefore null and void.

The new text of this article now reads as follows:

"The constitutional powers of the King are hereditary in the direct line of natural and legitimate heirs ..., in order of primogeniture."

Article 2

Belgium is continuing its ongoing efforts both to adapt its legislation to the international instruments that it has ratified, and to track down any trace of discrimination, direct or indirect, in its laws and regulations, customs and practices.

In this regard, Belgian jurisprudence and that of the European Union have provided regular and valuable clarifications of the interpretation to be given to certain notions in the various areas covered by legislation in general, and the laws dealing with equality between men and women in particular.

Nonetheless, we are well aware that, as in any country attempting to bring about equality between men and women, not even the most perfect legal and regulatory texts are enough in themselves to achieve full de facto equality. Other factors, such as the continuing existence of stereotypes, tend to bias decisions and can hold back progress in many ways.

Conscious of the importance of these constraints, Belgium is pursuing a policy that involves a series of campaigns aimed at breaking down such stereotypes in many areas, ranging from the way duties and responsibilities are shared within the family, to media treatment of the issue, to the introduction of affirmative action programmes in both the public and private sectors.

Legal measures and provisions

The constitution

Art. 10 of the constitution (as consolidated on 17.02.1994) provides: "There is no distinction between orders in the State. All Belgians are equal before the law; they alone are acceptable for civil and military posts, with some exceptions which may be established by law in particular cases."

Article 11 provides further that: "Enjoyment of the rights and liberties to which Belgians are entitled must be safeguarded without discrimination. To this end, laws and decrees shall guarantee especially the rights and liberties of ideological and philosophical minorities."

Article 23 stresses economic, social and cultural rights. It refers specifically to the following rights:

1. The right to work and to free choice of a professional activity;

2. The right to social security, to the protection of health and to social, medical and legal assistance;

3. The right to decent housing;

4. The right to the protection of a sound environment;

5. The right to cultural and social development.

Article 24 states that "education is free; any preventive measure shall be forbidden; the punishment of misdemeanours shall be regulated only by law or decree".

The Court of Appeals (Cour de Cassation) has ruled that the current constitutional provisions prohibit all discrimination based on sex. The guarantees offered by the constitution are therefore effective.

Laws[1] and decrees

- Article 47 (b) of the law of 12 April 1965, on the protection of workers' earnings (M.B.[2], 30 April 1965), introduced by the law of 16 March 1971 (M.B., 30 April 1971) provides that, pursuant to article 119 of the Treaty establishing the European Community, any

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[1] With respect to European and national legislation and jurisprudence, attention should be drawn to a publication of the Ministry of Employment and Labour, Equal Opportunities Service. This comprehensive publication is entitled "Equality between Men and Women - Basic documentation - January 1998 Edition". It first appeared in 1985, and has been updated each year since then.

[2] M.B.: the "Moniteur belge", or Belgian Monitor.

worker may bring legal action before the competent tribunal in order to enforce the principle of equal pay for male and female workers. (This provision is valid for the private as well as for the public sector).

- The law on economic adjustment ("réorientation économique) of 4 August 1978 (M.B., 17 August 1978, amended by the law of 22 December 1989), Title V, "equality of treatment between men and women as regards working conditions and access to employment, vocational training and promotion, and access to self-employment".

This law enshrines in Belgian legislation the principle of equal treatment, as formulated in various European directives (75/117, 76/207, etc.), and applies both to the private and the public sector.

Article 116 of Title V provides that, in applying article 10 (formerly art. 6) of the Constitution, the principle of equal treatment for men and women shall apply to access to employment, to occupational promotion, to vocational guidance and counselling, to training, to professional upgrading and retraining, to access to self-employment, and to working conditions.

Employers who fail to respect the provisions of Title V are liable to civil penalties (annulment of any discriminatory situation, compensation, etc.), criminal penalties (imprisonment and/or fine) or administrative penalties (administrative fines). The same holds with respect to the provisions of the collective labour agreement no. 25.

- The law of 20 July 1990 on promoting balanced representation of men and women in advisory bodies (amended by the law of 17 July 1997).

- The decree of 15 July 1997, by the Flemish Community, dealing with the need for more balanced representation of men and women in advisory bodies (M.B. 2/9/1997).

This decree introduces a quota of 2/3 for persons of the same sex in all advisory bodies of the Flemish Community and in the Flemish Region. A transition period is allowed to 31 December 1999. Opinions rendered by advisory bodies that do not conform to the decree by that date will no longer be deemed valid.

- Law of 24 May 1994 on promoting a balanced distribution of men and women in electoral candidate lists (see art. 7).

- Law of 6 March 1996 on monitoring enforcement of the resolutions of the Fourth World Conference on Women, held in Beijing (reports in annex 1) (M.B. 31.10.1996).

This law stipulates that the Government must submit an annual report to the federal parliament on policy conformity with the objectives of the Fourth World Conference on Women. In preparing this report, the Government must, to the extent possible, take account as well of the proposals issuing from the Forum of Non-Governmental Organizations. In addition, the Ministers and Secretaries of

State responsible for equal opportunities policy for men and women and for development cooperation, respectively, must also provide the federal parliament with a specific annual report assessing the measures taken by their departments.

- Decree of 13 May 1997, by the Flemish Community, on follow-up to the resolutions of the Fourth World Conference on Women, held in Beijing from 4 to 14 September 1995 (M.B., 18/6/1997).

Analogous to the federal legislative initiative, this decree requires Flemish ministers to provide by 30 September of each year a report on measures taken within their area in furtherance of the Beijing action platform. The first such report, covering the period 1995-1997, attached as Annex 2, was submitted to the Flemish parliament as prescribed, for 31 December 1997. (A special date was set for this first report.)

- The 28 June 1994 resolution of the Council of the French Community[3] approving Francophone priorities relating to equal opportunities for women and men.

As part of the preparations for the Fourth World Conference on Women, Francophone priorities were defined through a broad process of consultations with the Community, the Region and the voluntary sector. All of these priorities were approved by the Council of the French Community of Belgium, by means of a resolution adopted on 28 June 1994.

Democratic equality

Promotion of affirmative action within social, economic and cultural organizations and in the country's political establishments, to ensure women's access to decision-making spheres where they are now under-represented.

Combating insecurity and all forms of exclusion

Prompt implementation and promotion of dynamic and binding policies that are needed to ensure equal opportunities for women and men, in the areas of education, vocational training, cultural access, research, regional development and employment policies. Particular attention will be paid to initiatives that will promote the emancipation and integration of women of foreign origin, within a spirit of inter-cultural dialogue.

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[3] Report to French Community parliamentarians: on 15 April 1997, the Commission on General Parliamentary Affairs of the French Community of Belgium held a special hearing on the work of the Equal Opportunities Service. The Service gave a statement and presented parliamentarians with a report entitled: "Priorities, missions, activities and outlook for the work of the Equal Opportunities Service of the French Community."

Women and decision-making in the media

Introduction of strategies to make the media into a valuable resource in the areas of equal opportunities, sustainable development and the promotion of peace. Affirmative action to give women greater access to expression at the conception and design stage of programming and in decision-making positions.

Combating all forms of violence against children and women, and support for women's peace initiatives and activities.

Combating the traffic in human beings, in particular victims of sexual exploitation.

Promotion of health education for women

These priorities still define the frame of reference for equality of opportunity in the French Community, particularly for purposes of allocating grants.

Collective labour agreements

- Collective Labour Agreement (Convention collective de travail, CCT) no. 25 of 15 October 1975, from the National Labour Council, concerning equal pay for male and female workers. This CCT institutes directive 5/117/EEC with respect to the private sector, and was declared generally applicable by royal ordinance on 9 December 1975 (M.B., 25 December 1975). It applies to all employees, except for those working in the public sector.

Article 3 of CCT no. 25 stipulates that: "Equality between male and female workers must be observed in all elements and conditions of remuneration, including as applicable in job evaluation systems. Job evaluation systems may in no case entail discrimination, either in the selection of criteria, in their weighting, or in the system for translating evaluations into remuneration components." Male and female workers must receive the same pay for "equal" work or work of "equal value".

The text of this CCT must be annexed to a business's working regulations.

- Article 10 of CCT no. 38 of 6 December 1963, from the National Labour Council, concerning recruitment and hiring of workers, is amended by CCT no.38 (b) of 29 October 1991. An employer may not apply discriminatory treatment to candidates for recruitment. The hiring procedure must treat all candidates equally: no distinction may be made on the basis of personal elements, if these are unrelated to the job to be filled or to the nature of the business, except where otherwise authorized or qualified by law. An employer is forbidden in principle to make any distinction based on age, sex, civil status, medical history, race, colour, parentage or national or ethnic origin, political or philosophical convictions, membership in a labour union or other organization.

This article does not have the force of law, which means that, legally speaking, this provision cannot provide a basis for legal action between an employer and a worker. Nevertheless, it could be invoked in support of action based on other legal grounds (such as Title V of the law of 4 August 1978, referred to above).

Recent developments at the European level

Article 119 of the Treaty of Rome has been amended on two occasions. This article has direct effect and may be invoked by private persons against employers (private or public).

The first amendment was introduced by article 6 of the Social Protocol, which added the following provisions to article 119:

"This Article shall not prevent any Member State from maintaining or adopting measures providing for specific advantages in order to make it easier for women to pursue a vocational activity or to prevent or compensate for disadvantages in their professional careers."

This provision was approved with the Treaty of Maastricht, by the law of 26 November 1992 (M.B., 30.10.1993), and entered into force on 1 November 1993.

The second amendment occurred in the context of the Inter-Governmental Conference to review the Treaty of Maastricht, which resulted in the Treaty of Amsterdam. These treaties were signed respectively on 7 February 1992 and 2 October 1997.

During this conference, discussion focused on the issue of equality of men and women, relating on one hand to integration of the Social Protocol and on the other hand to integration of the fundamental rights in the Treaty of Rome.

The Treaty of Amsterdam states clearly that affirmative action is henceforth authorized, and such action now enjoys a strengthened legal basis.

The text of article 119 was amended by the Treaty of Amsterdam as follows: "With a view to ensuring full equality in practice between men and women in working life, the principle of equal treatment shall not prevent any Member State from maintaining or adopting measures providing for specific advantages in order to make it easier for the under-represented sex to pursue a vocational activity or to prevent or compensate for disadvantages in professional careers."

This Treaty, signed on 2 October 1997, is currently undergoing ratification procedures by the member states of the European Union.

Council Directive 96/97 of 20 December 1996, amending Directive 86/378 on the implementation of the principle of equal treatment for men and women in occupational social security schemes

This Directive amended Directive 86/378 to bring it into conformity with article 119 of the EEC Treaty, as interpreted by the European Court of Justice in the "Barber" case. Pursuant to this interpretation, supplementary social

security schemes (all forms of company pensions) are an element of pay within the meaning of article 119 of the Treaty of Rome, which establishes the principle of equal pay for equal work between men and women. No further derogations from this principle will be allowed with respect to retirement age or references to marital or family situation, which means that all derogations from the principle of equal treatment and certain provisions of Directive 86/378 are now obsolete or void.

Council Directive on the burden of proof in cases of discrimination based on sex

This Directive evokes the notion of a "shared" burden of proof: when the plaintiff party invokes elements that might lead to the presumption of discrimination or claims that the scheme applied by the defendant is non-transparent, the defendant must prove that the principle of equal treatment has not been violated, or that the apparent discrimination is due to objective factors that have nothing to do with discrimination based on sex; the plaintiff enjoys the benefit of the doubt in such cases.

Belgium has always taken an open attitude with respect to this directive on the burden of proof. The initial proposal of the Commission (1988) was revived in 1993, under Belgium's presidency, and 11 of the 12 member states reached a compromise at that time.

On 15 December 1997, the European Council of Ministers of Labour and of Social Affairs adopted definitive provisions on the burden of proof in cases of discrimination based on sex. Belgium has already taken steps to give effect to this directive under Belgian law.

Proposed Council Directive amending Directive 76/207 on implementing the principle of equal treatment between men and women as regards access to employment, vocational training and promotion and working conditions

The proposed directive is merely interpretive, and does not amend the field of application of the original directive. The "Kalanke" decision of the European Court of Justice gave rise to differing interpretations that threatened the effectiveness of affirmative action programmes. The primary objective of the European Commission was to send a clear message and remove any doubt as to the legitimacy of affirmative action. The proposal is tended to amend article 2 (4) of Directive 76/207/EEC in the sense that any affirmative action not covered by the ruling of the Court of Justice is explicitly authorized.

Discussion of this draft directive has been suspended to await the results of the inter-governmental conference and the rulings that the European Court of Justice is expected to give in response to challenges relating to the same issue (the cases of Marschall, C-405/95, Stadt Dormagen t-Bezirksregierung Düsseldorf, C-334/96, George Badeck et al., C-158/97).

Meanwhile, the Court of Justice, in its ruling of 1 November 1997 on the Marschall case, approved actions in favour of women provided that the individual rights of men are guaranteed. The Court validated a scheme (found in an employees' statute) that calls for affirmative action on behalf of women, while not automatically excluding the possibility that a man might obtain a position

even in a sector where women are under-represented. A preference in favour of women is allowed in the allocation of certain jobs, then, provided that the rules contain a "saving clause" that would leave open the possibility of a different outcome.

Other appropriate measures

The Council on Equal Opportunities for Men and Women

The Government has undertaken to promote the balanced distribution of duties and responsibilities between men and women in the various areas of social, economic and political life. In order to consolidate and implement the main thrust of this equal opportunities policy, the Council on Equal Opportunities between Men and Women (hereafter the "Equal Opportunities Council") was instituted by royal ordinance on 15 February 1993 (M.B., 06.03.1993).

The purpose of this Council (which has amalgamated the responsibilities of the former Commission on the Employment of Women and the Social Emancipation Council) is to contribute to eliminating all direct or indirect discrimination between men and women and to achieving effective equality between the sexes. To this end, the Council is expected to issue reports, conduct research, propose legal and regulatory measures, provide and distribute advice and information. It also drafts reports for the National Labour Council, upon request.

The Council is made up of representatives of employers' and workers' organizations, the Minister of the Civil Service, the Minister of Employment and Labour responsible for equal opportunities policy, women's organizations, the competent advisory bodies in the area of cultural and youth policy, family support organizations and political parties.

The Council is directed by a President, assisted by a Bureau. The founding decree allows for the creation of commissions to deal with specific problems. The Council also has a Permanent Commission that has one section dealing with general social issues of interest to private sector employers and workers, and another section for similar issues of concern to government and to workers in the public sector.

The following Commissions have been (or still are) active within the Council: Permanent Labour Commission, Commission on the Distribution of Duties, Commission on Social Security, Europe Commission, Commission on Women and Politics, Commission on Women and Sport, Commission on Women and Poverty, Commission on Women and the Law.

In addition to issuing a series of press releases, adopting viewpoints and collaborating in preparatory work for the Fourth World Conference on Women in Beijing, the Council has produced 19 opinions (on various matters), one recommendation (on pension reform for employees), a memorandum to the incoming Government (May 1995 elections), 8 briefs (setting out the Council's views on social security), and various publications.

In October 1997, the Council issued an evaluation report on its first mandate, covering the period from September 1993 to October 1997 (see Annex 3).

At the initiative of the (female) Belgian Minister of Labour responsible for equal opportunities policy, a European Conference of all female ministers of member States of the Council of Europe was held in Brussels on 6 and 7 March 1994. The purpose of this ministerial conference was to set out priorities regarding the political, social, economic and cultural status of women in Europe with a view to the year 2000. The ministers wrapped up this European summit with a declaration of principles for achieving true equality between men and women in the Europe of tomorrow.

- At the initiative of the same Minister, a conference was held on 19 April 1995, entitled "D'image en image - Les femmes au travers des médias et de la publicité" ("Changing images - women as seen through the media and advertising"). (See details under art. 5.3)

- Various initiatives relating to the image of women in the media and in advertising have been taken in recent years within the French-speaking Community. These are discussed under Article 5.

The joint-management elections (Elections sociales) of 1995

The previous labour-business elections (1991) had shown that, compared to the total number of women employed in business, few women stood as candidates and hence few were elected. Union organizations were urged to present lists of candidates that would represent men and women proportionately. The royal ordinance organizing the elections made explicit note of this point.

A campaign was launched on this issue, spearheaded by the Ministry of Employment and Labour, the employers and the unions. Care was also taken to provide information and training to the newly elected representatives.

The number of female candidates in 1995 was higher than in 1991. In the case of supervisory boards (in all companies employing 100 workers or more), there was a slight rise from 25.5 per cent to 26.4 per cent. For the workplace health and safety committees (in every company with at least 50 workers) there was also a modest increase in female candidates, from 28.7 per cent to 29.6 per cent.

The percentages of women elected were higher still, indicating that if more women would stand, more would be elected: 28 per cent of persons elected to the supervisory boards were women, and 32 per cent in the case of the safety and health committees. Women thus represent about 30 per cent of the members of business joint-management bodies.

A study is currently under preparation by the "Hoger Instituut voor de Arbeid" on the effectiveness of the 1995 public campaign and on the selection thresholds for female candidates to the joint-management elections. The results of this study will be disseminated in the form of a practical brochure.

Raising the visibility of women

The need to collect data broken down by sex, and the general lack of statistics on women, were highlighted during the World Conference on Women in Beijing. To meet this demand, two universities have been charged with carrying out an inventory of existing official statistics broken down by sex, and preparing proposals on supplementary data needs in the following areas, among others: employment, decision-making, health, "minimex", taxation, demography. The results of this research work (see Annex 4) should help in preparing a strategy and recommendations for taking better account of sex-related elements in statistics for these areas.

Feminizing names of occupations, functions, grades and titles

The issue of feminizing the names of occupations, functions, grades and titles is approached differently depending on the characteristics of the language in which people express themselves.

In the French-speaking Community, the decree of 21 June 1993 calls for feminizing the names of occupations, functions, grades and titles in all documents issuing from the public sector, as well as in education and training books and manuals and research materials used in all establishments, institutions and associations of the Francophone community.

This decree is a response to the changes that have occurred in society, and that have seen women move into more and more vocational fields. It is thus a valuable tool for promoting equality between men and women.

The explanatory brochure (attached as Annex 5) was first published in 40,000 copies, and a second run of 50,000 was printed in 1997. Every public official of the Community has received a copy of this document, together with a circular from the Minister-President of the French-speaking Community Government recommending enforcement of the decree.

In the Flemish Community, action has not yet been taken on the proposals for feminizing the Flemish forms of vocations and functions that various bodies have issued. The "Vlaamse gemeerschap" is awaiting the formal opinion of the "Nederlandse Taalunie" (NTU)[4].

For want of sufficient consensus, the authorities have so far been unable to issue rules and mandatory specific names.

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[4] Nederlandse Taalunie = NUT = A group of linguistic experts responsible for determining correct usage of the Dutch language and drafting linguistic rules. It was created following signature in 1980 of a treaty between Belgium and the Netherlands for promoting Dutch language and literature and ensuring a common language policy.

The "Taalunie" is preparing a publication with the following elements:

- an overview of linguistic devices for avoiding sexual discrimination in texts and language usage;

- an overview of the various ways in which Flemish can avoid any sexual discrimination in language usage;

- an overview of all names of functions and vocations, using both their neuter form and their sexual variants (masculine and feminine).

To make female employees more visible, the Flemish Community has drafted a circular (dated 14.03.1996) directed at all personnel of the Flemish Community services to encourage them to make use of their first names.

The federal Minister responsible for equal opportunities policy has seen to the preparation and repeat publication of a brochure entitled "ne dites pas trop vite ... il n'y a pas de femme" (Don't assume there's not a woman ...") that lists hundreds of women active in various areas. It has been widely distributed to journalists and institutions (for details, see under art. 5.3).

The Equal Opportunities Council organized a wide-ranging information and awareness campaign on the contributions that the European Union has made to equality between men and women (one national newspaper, 10 regional papers around the country, over the period from late 1994 to late 1995), under the title "l'Europe, un atout pour les femmes" ("Europe, a plus for women"). The campaign set out the objectives of the Fourth Community Action Program (1996-2000), calling for balanced sharing of decision-making by men and women and ways of reconciling working and family life, and explained the way projects are submitted to the European Commission.

A set of information materials has also been produced on this issue, and has been given wide public distribution with a view to helping potential promoters make their way through the maze of European financial provisions. These materials are aimed in the first place at public speakers for use in information sessions, study days, etc. They include a video film (introduction to European Union activities on behalf of women), a course kit (with slides), and detailed information on the Fourth Community Action Program.

In the French-speaking community, there has been cooperation between the European Social Fund Unit of the Ministry of the French Community and the Equal Opportunities Service of the French Community to foster NOW projects under the European Social Fund employment initiative.

As part of this continuing cooperation for the 1997-99 programme, the Service has made its expertise available to the project selection committee, for use from the very outset of the selection procedure.

This cooperation reflects the resolution of the European Union Council of 2 December 1996 on integrating the dimension of equal opportunities for men and women into the framework of the European Structural Funds.

Legal protection

Efforts have been organized to make stakeholders aware of the possibilities of turning to the courts, and the importance of doing so.

Any employee who feels the victim of discrimination under Title V of the law of 4 August 1978 or under CCT no. 25, or the union organization representing such a worker, can bring legal action before the competent tribunal to enforce the principle of equal treatment or equal pay. The aggrieved worker can lay a complaint personally, or can do so through the union organization to which she or he belongs. There are three possible kinds of action:

- The worker may file a complaint with the police, the gendarmerie, the public attorney or the Inspector of Social Laws, and may sue for damages with interest before a criminal court. The employer in question may be punished with imprisonment and/or a fine.

The various inspection services of the Ministry of Employment and Labour are responsible for monitoring enforcement of this law and may, if necessary, initiate legal proceedings in cases of violation. If a complaint has been lodged with the Inspector but proceedings are not initiated, the Director General of Investigations of the Ministry of Employment and Labour may impose an administrative fine.

- A further possibility is to approach the labour tribunal (to annul a discriminatory situation, or secure compensation).

- Finally, an appeal can be brought before the Administration Section of the Conseil d'Etat, the highest administrative court, to invalidate any administrative measures or regulations (in the public sector) that are discriminatory. The Conseil d'Etat may seek the opinion of the Advisory Commission on legal matters relating to equal treatment for men and women in the public services. This Commission was created by royal ordinance on 2 March 1984 (M.B., 29.3.1984, amended by royal ordinance of 9 January 1985, M.B., 6.2.1985).

An employee who lodges a complaint enjoys protection. If an employee has laid a complaint or brought legal action to enforce the right to equal treatment and/or pay, the employer is forbidden from dismissing the worker for that reason, or from making arbitrary changes to his or her working conditions (for example, through moving the worker).

If an employee is dismissed despite this prohibition, or if an employee's working conditions are unilaterally altered (except for reasons not related to the complaint), he or she enjoys double protection:

- The employee has the right to be reinstated into the company or into the position from which he or she was removed, either at the employee's own demand, or at that of his or her union organization.

- If the company refuses to reinstate the employee in the company or in his or her former job, despite a finding that the dismissal or

unilateral modification of working conditions was contrary to the protection provisions of the economic adjustment law of 4 August 1978, Title V, Art. 136(1), the employer must pay the employee compensation, which may take the form either of a lump sum equal to six months' gross pay, or an amount related to the actual injury suffered, the choice being left to the employee. If the latter is chosen, the employee must demonstrate the extent of the injury.

There are no figures available on the number of complaints laid in this regard. Such a figure is in fact difficult to calculate. Some victims turn to the Equal Opportunities Service of the Ministry of Employment and Labour (which provides counselling, and which may turn the case over to the Inspector of Social Laws, or take it up with the employer, depending on the circumstances), while others may seek the intervention of their union, or lay a complaint directly with the Inspector. Still others will confine their complaints to the employer. It must be borne in mind, however, that many victims take no action at all, and the discrimination is thus not pursued.

There has been a striking finding with respect to discrimination in hiring (job offers, hiring procedures, etc.): women are no longer alone in suffering such discrimination, and indeed men are also affected (for example, in the health care sector). This new trend is perhaps the result of the crisis in industry, where traditionally male-dominated lines of work are disappearing. This is pushing more men to seek jobs in occupations classed as female-dominated.

The development of jurisprudence is an important element in progress toward equality between men and women. On one hand, this has served to define the scope and content of the law more closely, and on the other hand it has provided a set of test cases for the future.

The following two findings have emerged:

- The number of complaints laid is growing slowly but steadily across all jurisdictions.

- Judges are making more frequent use of their power to raise preliminary points of law in the European Court of Justice.

There is no systematic compilation of jurisprudence in Belgium. It has been deemed particularly helpful therefore to collect and disseminate cases that might be useful as references in subsequent proceedings.

The cases of interest are listed in the basic legal documentation published by the Federal Equal Opportunities Service (see Annex 6). That Service has been performing this task since 1985, when a broad body of information from the court system was assembled on the basis of a first legal document developed by the Service. This publication is updated every year (with the latest edition dating from January 1998). It surveys Belgian and European legislation on equal opportunities in employment and in social affairs, and provides an annotated review of Belgian jurisprudence, references to European judgements, and some bibliographic data.

The publication is widely distributed throughout the legal community, and is helping to make jurisprudence in the area better known. The 1998 edition reviews 68 Belgian cases and 117 reference cases from the Court of Justice of the European Union.

Article 3

Belgium is a federal country, and the effort to achieve equality between men and women falls to various levels of authority, in accordance with their respective powers. Each of these levels has its own structures and mechanisms in place to root out inequalities.

3.1. Federal structures and mechanisms

Legislative:

The Advisory Committee on Social Emancipation of the House of Representatives was created in 1987. It issues opinions on social emancipation questions, either at its own initiative, or at the request of the House or one of its commissions.

The Senate Advisory Committee on Equal Opportunities for Men and Women was created in 1996. It has advisory powers in this area, and can act at its own initiative.

Executive:

The Minister for Equal Opportunities

Since 1991, the Belgian Government has had a minister responsible for equal opportunities policy. She has also been in charge of employment and labour policy, an area of prime importance to achieving true equality between men and women.

From 1985 to 1991, the Secretary of State for Social Emancipation and the Environment was responsible for issues relating to equality between men and women.

The Equal Opportunities Service

This is the department within the Ministry of Employment and Labour that is responsible for all questions relating to equal opportunities. Its objectives are to undertake initiatives and to coordinate policies aimed at integrating women more thoroughly into all spheres of national life (see leaflet in Annex 7). It is headed by an advisor-rank official, and had a staff of 20 people as of 1 August 1997, including nine academics.

By way of illustration, it may be noted that the funds earmarked for the equal opportunities programme within the 1997 budget of the Ministry of Employment and Labour was more than FB 100 million ($2.5 million), not counting staff and expenses of the Council secretariat, which are covered by the Ministry's general budget.

The Affirmative Action Unit of the Labour Relations Service of the Ministry of Employment and Labour

This unit was created in 1989 to assist employers' and workers' representatives to negotiate and implement affirmative action plans in industry and in private businesses. Powers: the unit carries out broad awareness activities, internal and external, collective and individual, and provides information and training for private companies and union representatives. Experts from the unit monitor the implementation of affirmative action plans, providing practical support as needed and helping to identify sources of funding.

Advisory bodies:

The Equal Opportunities Council (under the Minister responsible for Equal Opportunities Policy)

This Council was formed from the amalgamation of the Commission on the Employment of Women and the Social Emancipation Council, pursuant to a royal ordinance of 15 February 1993. Its mission is to help eliminate all discrimination, direct or indirect, between men and women, and to achieve effective equality between the two sexes. It takes action at its own initiative, or at the request of the Minister responsible for Equal Opportunities Policy or other ministers (see leaflet in Annex 8).

The Equal Opportunities Service provides research support for the Council and acts as secretariat for its meetings.

The Council is composed of 54 members representing employers and workers, women's organizations, the competent advisory bodies in the areas of cultural and youth policy, political parties within the Government and the ministers responsible for the Public Service, Employment and Equal Opportunities Policy, and two individual experts.

It operates with a General Assembly, a Bureau, and various commissions, including the Standing Commission on Labour, which has taken over the legal prerogatives of the Commission on the Employment of Women.

During its first 4-year mandate, the Council issued 19 opinions, several of which have had a major impact on the development of equal opportunities policy. A list of the Council's opinions and publications is found as an annex to this report.

The budget of the Equal Opportunities Council is FB 1,200,000 ($30,000), not including staff and expenses of the Council's secretariat, which are covered by the Equal Opportunities Service.

The Commission on Domestic Labour

This Commission has not met for several years, and the Equal Opportunities Council may be said to have taken over, de facto, the issues that were considered by the Commission. Thus, Opinion No. 1 of the Council was devoted to

ways of combining family and working life, and a public awareness campaign was mounted on this theme.

The Advisory Committee on Disputes relating to Equal Treatment of Men and Women in the Civil Service (created in the Civil Service Ministry in 1984).

This Commission issues recommendations on training for civil servants and on the enforcement of laws, and may propose legal amendments.

The Commission on Women and Development, in the Ministry for Cooperation and Development

This Commission is composed of 24 members representing the Centre national de Coopération au Développement (National Centre for Cooperation and Development) and the Nationaal Centrum voor Ontwikkelingssamenwerking (National Centre for Development Cooperation), the Conseil francophone des Femmes belges (Belgian Francophone Women's Council) and the Nederlandstalige Vrouwenraad (Flemish-speaking Women's Council), the Conseil Interuniversitaire de la Communauté française (French-speaking Community Inter-university Council) and the Vlaamse Interuniversitaire Raad (Flemish Inter-university Council), and a number of experts.

Its objectives are to enhance the status of women in the Third World by promoting their economic, social and political advancement, by seeking guarantees for their moral and physical integrity, and by encouraging the application of international conventions and declarations for the elimination of all forms of discrimination against women.

It is expected to advise the Minister and to issue opinions, at its own initiative, relating to policy in the area of "women and development", to support initiatives for the coordination and exchange of information, and to promote public awareness on the issues of "women and development".

NGO support structures:

Amazone

The Centre Amazone, inaugurated in 1995, houses 19 women's organizations, as well as several libraries and documentation centres. The Belgian Francophone Women's Council, the Sophia Network, the Women's University and the Flemish-speaking Women's Council are among the primary tenants. Most of the non-governmental organizations in the centre also receive grants from the federal government and from the community and regional authorities.

Since its creation, Amazone has become a dynamic meeting place and provider of services attracting an ever-growing range of organizations.

The grants system

Pursuant to the royal ordinance of 27 October 1987 on the funding system for women's emancipation projects, the federal Minister responsible for equal opportunities policy has been providing grants to NGOs for projects for the

advancement of women, provided they meet the conditions of the ordinance mentioned above.

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To summarize, the current structure at the federal level consists primarily of a policy-making level (the Minister), an administration (the Equal Opportunities Service), an advisory body (the Equal Opportunities Council), and a meeting place and headquarters centre for NGOs (Amazone). There are also, however, a number of specialized advisory structures at other levels.

3.2. Vlaamse Gemeenschap (Flemish community and region)

Legislative:

The Flemish Parliament's Working Group on Equal Opportunities

The Flemish parliament has created a working group on equal opportunities. Its role is to provide political input and assessment for any initiatives of the Flemish parliament that may have an impact on equality of opportunities for men and women. It also evaluates the equal opportunities policy of the competent Flemish minister.

Executive:

Flemish minister responsible for equal opportunities

During formation of the Flemish Government in 1995, a Flemish minister responsible for equal opportunities was appointed for the first time.

Flemish policy on equality of opportunity has two major thrusts. On one hand, it promotes equality of opportunity between men and women generally in all areas of society and at all levels of power, while on the other hand it encourages equal opportunities for groups that, because of their origin, their sexual orientation or a disability of some kind, are the victims of de facto discrimination or find that their individual or social opportunities are restricted.

The "Cel Gelijke Kansen in Vlaanderen"[5]

This administrative service was set up on 1 January 1996 to provide policy support to the responsible minister. Within the Flemish community structure, the unit falls under the horizontal coordination department, which embraces all policy areas in the Flemish community and region. It has three missions: policy formulation, policy execution, and policy evaluation.

The unit's budget was FB 60,100,000 in 1997 (see Annex 9).

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[5] Equal Opportunities Unit in Flanders.

The Interdepartmental Commission on Equal Opportunities

This commission was created on 2 July 1996 as one of the instruments for implementing the Community's "mainstreaming" policy. It is an administrative commission that is expected to promote and coordinate action on behalf of equal opportunities by the various departments, public institutions and scientific establishments of Flanders. Among its other responsibilities, it monitors implementation of the two decrees referred to above.

The Commissioner for Emancipation Questions

This official was appointed for a 5-year term on 1 September 1991, within the Ministry of the Flemish Community, following passage of affirmative action legislation (see below). On 1 September 1996 a new commissioner was appointed, again for a 5-year term. She is responsible for affirmative action questions relating to staffing policy within the Ministry of the Flemish Community, the Flemish public institutions, and Flemish scientific establishments.

The Educational Diversification Unit

The Flemish Education Council set up this diversification unit in 1992, to coordinate preparation of the reform programme for "diversifying study options for girls in full-time technical and vocational education". Thirty schools from various systems took part in this pilot programme, which was concluded at the end of the 1995-1996 school year.

The unit was subsequently given two further missions, and was finally wound up on 15 November 1997, at the decision of the Flemish Minister of Education. Its duties are being taken over by the Beleidsgerichte Coördinatie section of the Education Department within the Flemish Community Ministry, in cooperation with the Interdepartmental Commission on Equal Opportunities.

Advisory bodies:

De Vlaamse Overlegcommissie Vrouwen (Flemish Women's Advisory Commission)

This advisory body, known as the VOV, was created in 1990 within the Sociaal-Economische Raad van Vlaanderen (SERV, the Flemish Social and Economic Council), and provides opinions on all matters relating to the social and economic status of women in Flanders.

NGO support structures:

Since 1997, the Flemish Community's equal opportunities budget has made provision for two organizations, namely the Rol en Samenleving (an information and documentation centre on feminism and equal opportunities) and the Nederlandstalige Vrouwenraad (NVR, a coordination agency for Flemish-speaking women's organizations). These two organizations pursue their own objectives in support of equal opportunity policy in Flanders.

One such form of cooperation is to provide opinions on policy issues and proposals. In 1997, the Nederlandstalige Vrouwenraad was for the first time

asked to give an opinion, with respect to a policy paper prepared by the Flemish authorities entitled "Emancipatie Effecten Rapportage", dealing with equal opportunities.

As at the federal level, the Flemish Community has instituted a system of grants for projects put forward by NGOs active in promoting equal opportunities.

3.3. French-speaking community

Legislative:

On 15 April 1997, the General Affairs Commission of the Parliament of the Belgian French-Speaking Community devoted a special session to the work of the Equal Opportunities Service. The Service gave a presentation and submitted a report entitled "Priorities, Missions, Activities and Outlook for the Work of the Equal Opportunities Service of the French-speaking Community".

Executive:

The Minister-President of the French-speaking Community Government responsible for Equal Opportunities

The Minister-President is responsible for actively promoting equal opportunities for women and men in areas within the competence of the French-speaking community, relating primarily to education, child care and youth programmes, but also including cultural and preventive health issues. She oversees the consistency of policies and practices, determining their broad direction and setting priorities.

Equal Opportunities Service of the Ministry of the Belgian French-speaking Community

This service was created in 1994 as the successor to the Service for the Cultural and Vocational Advancement of Women, which dated from 1985. Its objective is to promote equal opportunity policies in matters that are managed by the French-speaking Community and in the community government departments.

It provides information, recommendations and support to the voluntary sector. It also coordinates equal opportunities policy in the staffing area. It maintains a documentation service and acts as a centre for information, coordination and communication, attempting to foster innovative experiments on behalf of equal opportunities policy.

Le Service des Associations féminines de la Commission communautaire française Bruxelles-Capitale (the Women's Associations Office of the French-speaking Community Commission of Brussels)

This office promotes and supports women's initiatives in social, cultural, economic and political life. It advises the Minister of Culture on grants for projects submitted by associations active in promoting public thinking and awareness about issues relating to the status of women.

Advisory bodies:

The Commission on Equal Educational Opportunities for Boys and Girls (created in 1979 within the Education Ministry of the French-speaking Community)

Its role is to promote co-education and to foster a change in mentality, diversification of vocational options, and retraining for teachers. Acting either at its own initiative or at the request of the Minister of Education, it provides opinions, conducts studies and proposes legal and regulatory measures in all matters relating directly or indirectly to achieving equal opportunities for boys and girls in preparing for their working lives.

3.4. The Walloon Region

Advisory Committee of the Walloon Parliament on Equal Opportunities for Men and Women

This committee was established in March 1997 and has nine members. It examines issues relating to equal opportunities for men and women and provides opinions, at the request of the Presidency or a standing commission, or at its own initiative.

Executive:

Forem[6] Network for Equal Opportunities for Men and Women

This network was created in 1986, bringing together field workers in Forem's various services (employment, training, central administration) and in each subregional directorate.

Targeted primarily at job-seekers, it attempts to ensure equality of access to information, to counselling, to training, to employment and to support services. To this end, it works with individual job-seekers and employers, employers' federations and Forem's various partners to provide information and stimulate awareness. It also oversees equal opportunities policy within Forem itself, at the central and local levels.

Advisory bodies:

The Regional Women's Commission of the Walloon Economic and Social Council

The membership of this commission, created in 1994, has joint representation from employers' and workers' organizations, as well as representatives of the Walloon regional ministries.

Its objective is to foster initiatives to ensure equal opportunities for men and women within the Walloon region.

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[6] Community and regional office for vocational training and employment.

It prepares opinions for the Council, either at its own initiative or at the request of the Walloon government, on the drafting of laws and regulations in all regional matters affecting women. It proposes steps to promote equal opportunity and participation for women in the region's economic and social life. It also provides information and promotes awareness about equality issues.

3.5. The Local Level

Some local authorities have also introduced one or more structures, including the following:

Equality councillor

This is a locally elected official responsible for promoting equality of opportunity and undertaking projects.

Equality officer

This is a staff member of the local administration, responsible for undertaking action in support of staffing equality and/or assisting the equality councillor.

Equality Council or Emancipation Council

This is a local advisory body that provides opinions and makes proposals to the local authorities for achieving equality between men and women at the local level.

Article 4

4.1. Affirmative action

Since the late 1980s, Belgian legislation has provided for the implementation of measures to promote equal opportunities for men and women, also known as affirmative action measures. This policy applies to both the public and the private sectors, on the basis of separate legislation.

The definition of affirmative action is the same for the two sectors, however. Affirmative action is defined as a coherent set of measures intended to bring about de facto equality between men and women in all areas of labour organization and human resource management (recruitment, promotions, training, departure, working conditions, pay, etc.). Such actions are undertaken in the form of equal opportunity plans that call either for steps to correct situations prejudicial to women, or to promote their presence and their participation in working life.

In the case of the private sector, the royal ordinance of 14 July 1987 urges workers' and employers' representatives to implement affirmative actions on behalf of women, on a voluntary basis. This recommendation was repeated in the 1989/90 Inter-Professional Agreement, in which employers' and workers' representatives asked the Collective Labour Relations Service of the Ministry of

Employment and Labour to establish a specialized unit to help them undertake affirmative action at the industry level or in individual companies (since 1989).

In 1988 and 1989, the private sector was made aware of this "affirmative action strategy" thanks to a research-action project involving 42 companies and the Secretary of State for Social Emancipation.

Employers' and workers' representatives subsequently adopted this approach to collective labour relations, through the Inter-Professional Agreements of 1989/90, 1990/91, and 1992/93. The agreements of 1991/92 and 1993/94 resulted in stronger support for affirmative action from both sides, by adding specific financial incentives to help pay for affirmative action plans in various sectors and companies. Some 20 industry-wide accords and collective agreements at the company level have been concluded in this vein and have produced positive results, especially in terms of training for female workers. Such training is now a feature of 70 per cent of affirmative action plans, which also deal with working conditions.

In 1992 and 1993, two royal ordinances modified the previously voluntary nature of this approach. On one hand, companies seeking to be recognized as "in difficulty or in restructuring" were henceforth required to submit an affirmative action plan (royal ordinance of 27.09.92). This move affects a fairly large number of companies, although it must be admitted that it came at a psychologically awkward time. More than 30 companies have nonetheless sought assistance from the specialized unit.

On the other hand, private companies were required to draw up an annual report on equal opportunities for men and women (royal ordinance of 12.08.1993). This report is to take the form of a quantitative survey of female and male employment, as part of the report on employment conditions within the company that is submitted each to the supervisory board.

It is essential for such a policy to have the full commitment of the unions. It is especially important to have women present in these bodies, so that they can help ensure a systematic approach to the issue. Training for male and female union delegates is a key feature of Belgium's federal policy in this regard.

A new initiative, launched in October 1993, is aimed at combining the strengths of these various approaches as revealed through an in-depth evaluation of policies implemented to date. The Ministry of Employment and Labour entrusted the HIVA (the Superior Institute of the KU Leuven) and the Ministry's own Affirmative Action Unit with updating the methodology for affirmative action. To this end, the analytical questionnaire was amended both in its form (in order to make it easier to conduct company surveys) and in its content (to incorporate the latest developments in human resource management).

One major aspect of this initiative involved setting up networks of private companies that are to serve as a focal point for obtaining information and exchanging experience among participants (generally, human resource managers or company heads). The Affirmative Action Unit is responsible for coordinating

these networks on behalf of the companies. In December 1995, there were nearly a hundred businesses participating in seven different networks. Subsequently, three regional networks were set up (in Limburg, Liège and Charleroi). More recently, as part of the "Optima/Fair Play" project (1993-1997), co-financed by the European Employment Program/NOW, new networks have been put in place, involving cooperation among businesses, unions, local public services, inter-municipal organizations, associations, etc.

In June 1997, for the first time, the "Equal Opportunities Prize" was awarded to two employers, following a selection process based on the model of the European Foundation for Quality Management (EFQM). In 1998, the Vlaams Centrum voor de Kwaliteitszorg (Flemish Centre for Quality Control) and the Walloon Association for Quality Management will be adding the "quality" criterion to the EFQM model, and will establish their own "Equal Opportunity" prizes.

In the public sector, the royal ordinance of 27 February 1990 made it mandatory for every department of the civil service to design and implement an equal opportunities plan. The development of this plan consists of two phases: preparing an analytic report and establishing the plan itself. The analytic report describes the personnel situation, by sex, in terms of certain criteria such as access to employment, promotions, seniority structure, status, service, participation in training activities, etc. The plan must contain at least the following: a description of the objectives to be achieved, in light of the relative position of men and women in the public service, a description of the affirmative measures envisaged, the date the plan is to enter into force, the duration of the plan and the deadlines set for completing the intermediate stages, designation of the person or persons responsible for implementing affirmative action under the plan, ways and means of performing periodic and final evaluations of these measures, supervising their implementation within the public service, and making any necessary changes.

Positive actions carried out in the federal ministries and parastatal organizations, as well as those in the autonomous public enterprises, are supported by a national coordinator, through the mechanism of bimonthly meetings of networks of "affirmative action" officers (established in 1995) who are responsible for this policy within their respective departments. The objective is to examine changes in personnel management with respect to the position of women, to detect any de facto qualitative inequalities and to alert policy makers to them. More generally, steps have been taken to integrate equal opportunity policy into the workings of the Ministry of the Civil Service (in terms of recruitment, etc.).

When it comes to evaluation, "affirmative action" officers are expected every five years to prepare a quantitative analysis of staffing in their institution, and to report on their findings to the permanent working commission of the Equal Opportunities Council. Between 1989 and 1995, the proportion of women to total personnel rose from 38 per cent to 45 per cent in the federal ministries, from 46 per cent to 55 per cent in parastatal agencies, and from

15 per cent to 18 per cent in autonomous public enterprises[7]. It is difficult to assess the extent to which affirmative actions were responsible for this performance. Women have access to all levels of the seniority structure, but they are still over-represented at the lower levels, and under-represented at the higher ones. A further major problem is posed by the fact that women account for the majority (72 per cent) of contract or term employees, whose position is still relatively insecure.

The objective for the future is to integrate an affirmative action component into the overall personnel policy of public institutions, through coordination meetings with the Ministry of the Civil Service. Every institution will be provided with a "Code of Good Practices". In addition, work is proceeding on establishing numerical targets, based on the current situation, so as to be able to measure progress downstream. Priorities for the future will also focus on the situation in the autonomous public enterprises, and on improving the status of contractual personnel.

With respect to the provinces, the municipalities and the CPAS, a network of coordinators has been set up at the provincial level. These officials are responsible for coordinating affirmative action efforts in their provincial administrations, and also at the municipal and CPAS level. More generally, they are in charge of equal opportunities policy for their entire territorial entity. The network meets once a month to draw up guidelines and cooperate on new projects. It also allows the exchange of experience and information about successful practices implemented in each province.

In practice, since the royal ordinance of 1990 came into effect, some 23 per cent of Belgian municipalities and 18 per cent of the CPAS have introduced at least one equal opportunity plan. The measures called for under these plans differ, depending on the municipality or CPA in question. Among the broad range of measures, the most numerous relate to career development, and include: training (assertiveness, etc.) and job preparation, information sessions relating to specific functions or job competitions, publication of career guides, ensuring a balanced composition of competition boards, drafting job offers to encourage female candidates, amending job descriptions, especially for the police corps, etc. A second category of measures is aimed at improving the climate and conditions of work. These involve measures relating to child care, especially during school vacation periods, measures to allow for greater flexibility in working hours, measures to prevent sexual harassment, etc. Finally, a third category of actions consists of measures to provide information to personnel and to sensitize them to the issue of equal opportunities for men and women (publications, study days, etc.).

As noted earlier (see art. 3), a "Commissioner for Emancipation Questions" has been appointed in the Flemish Community, pursuant to the royal ordinance of 27 February 1990. This commissioner is responsible for affirmative action

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[7] Further figures can be found in the Report to the Government from the Minister responsible for equal opportunities policy pursuant to the royal ordinance of 27 February 1990, dealing with measures to promote equal opportunity in the civil service (June 1997).

affecting personnel in the Ministry of the Flemish Community and in the Flemish public and scientific institutions. She prepares an annual report on affirmative action. The new commissioner, who took up her mandate on 1 September 1996, is placing priority on a five-year plan with a series of longer-term goals that can be adjusted each year. Work is now more closely integrated with officials responsible for personnel training and human resource management within the Ministry of the Flemish Community, and greater stress is being placed on gender issues. Instruments relating to this issue are now in preparation (a project that was begun in the fall of 1997).

For several years now, day care facilities have been set up for the children of civil servants at all levels, during certain school vacation periods.

Annex 10 contains documentation on affirmative action initiatives at both the federal and community levels.

4.2. Protecting maternity

Reference may be made to Title V of the economic adjustment law of 4 August 1978, of which article 118 (see discussion of art. 2 above), defining the principle of equal treatment, stipulates in its second clause that: "Notwithstanding, special provisions for protecting maternity are not discriminatory".

Art. 123 of that law provides that: "The provisions of article 8 (1) of the law of 16 March 1971 on labour (underground work), and those taken pursuant to article 10 of that law (work that is dangerous or hazardous to the health) that prevent access to employment or promotion, are provisionally not to be deemed contrary to the provisions of Title V of this law."

Article 129 states, in turn, that: "Provisions as determined by the King with respect to worker health and safety, and those relating to the health conditions of work and in the workplace or that provide specific protection for women, are provisionally not to be deemed contrary to the provisions of this section (equal treatment with respect to the conditions of work and of dismissal)."

These are regulatory provisions, the purpose of which is essentially to protect female workers (including pregnant workers) by prohibiting them from performing work that might endanger their health or safety.

(For a more complete explanation of regulations for protecting maternity, please see the discussion under art. 11).

Article 5

5.1. Comprehensive action against stereotypes

Belgium is aware of the impediments to equality between men and women represented by prejudices and stereotypes that tend to cast men and women in distinct roles and that frequently place a higher value on the roles and

characteristics attributed to men, to the detriment of those attributed to women.

Thus, from their earliest years, children are confronted with stereotypes offered by adults (parents, teachers) that portray roles, responsibilities and values in a sexually discriminatory light.

This early impression is continuously reinforced by the media, helping in this way to leave each individual with a subconscious imprint of prejudices and traditional values inherited from a time when the sexual distribution of roles was dictated by the survival instinct.

Belgium has undertaken to confront these powerful impediments to achieving true equality, and to combat them both through general measures and through actions directed at education, the media and the issue of violence.

Overcoming these stereotypes entails bringing about a profound change of mentality. This can only be achieved over the long term, through coordinated and repeated activities.

Changing mentalities about the respective roles of men and women will thus demand a great deal of time and patience, and will require constant effort.

Starting from the observation that the unequal distribution of household responsibilities can have a significant influence on the status of women in the labour market, the Minister of Employment and Labour requested the Equal Opportunities Council to present an opinion on the matter. The result was opinion no. 1 of 27 June 1994 on reconciling family and working life.

In the wake of this opinion, a wide-ranging campaign of public awareness on this issue was launched, highlighting the need for a change in mentality with respect to the distribution of tasks and responsibilities generally.

A better distribution of working and household tasks is in fact a necessary condition for achieving a more balanced society where men and women will enjoy equality in the labour market.

Opinion no. 1 of the Equal Opportunities Council, found in Annex 11 to this report, recommends measures in four major areas:

- Development of care facilities for children and seniors;
- Leave for working parents;
- The role of business;
- The distribution of tasks between men and women.

With respect to reconciling working and family life, Belgium's policy thus has two objectives. The first relates to labour market policy: this includes measures with respect to part-time work, career interruptions, leave for pressing reasons, etc. The second objective relates to social infrastructure,

such as day care for children, assistance to families and the elderly, home care, etc.

By means of this policy, the authorities have distributed responsibility for harmonizing family and work-related duties among several sets of stakeholders:

- The public authorities themselves, employers' and workers' organizations, businesses, and men and women.

Following submission of its opinion, the Equal Opportunities Council was given the means to undertake a major sensitization campaign about the sharing of household tasks. This campaign included radio "spots", posters in public transit facilities, posters for use by women's movements, schools and other organizations engaged in the campaign, and postcards for sale in railway stations and cafes.

The campaign was launched in 1995. It evoked much comment in the press and inspired the formation of discussion groups in schools and among youth movements.

The Ministry of the Flemish Community also organized a number of sensitization activities to combat prevailing stereotypes about men and women, including the following:

- In November 1996, during the lead-up to the annual "Women's Day", a general media campaign was instituted, with radio and TV spots (featuring a well-known Flemish singer) and newspaper and magazine advertisements over a two-week period. A Flemish "Equal Opportunities" logo was adopted. Following this campaign, a pamphlet was sent out to women's organizations and placed on display stands in buildings, public libraries and municipal offices in the Flemish Community, achieving in this way a very wide distribution. The TV spots and the pamphlet campaign were repeated in September 1997;

- Project funding for Gynaika. This organization specializes in promoting female artists and in using art to promote equality. In 1996 a broad programme was instituted, featuring the work of female artists in all disciplines (fine arts, drama, concerts, etc.). A brochure was prepared summarizing all the programmes, and was widely distributed throughout Flanders. For several months, Flemish citizens were able to participate in a broad selection of activities staged by female artists;

- Teletext pages prepared by women at BRTN (the Flemish radio and television network). These pages are updated every day with information on topics of interest to women (and political issues) and a bulletin board on women's activities;

- Publication of 10 children's books (ages 6 to 8), written and illustrated by well-known Flemish authors. Each book presents a children's story dealing with a specific aspect of equal opportunity,

and comes with a teacher's guide and materials. The entire package (the 10 books and the 10 teacher's kits) was distributed free to all primary schools in Flanders;

- Exhibition at the Ghent Museum of Industrial Archaeology and Textiles: "Les femmes dans les coulisses et sur les barricades" ("Women behind the scenes and at the barricades"). The exhibition presents an overview of women's role through history, from the industrial revolution to the present day. It is aimed at the general public, but includes specific educational activities for young people aged 12 to 18 years.

5.2. Education initiatives

In the Flemish Community:

In addition to the specific educational projects referred to under article 10, the educational approach to emancipation involves two aspects in general:

1. An attempt to integrate materials and methodologies from previous projects and to sensitize educational authorities and teaching staff to the subject of women in management positions.

The Education Commission for Equal Opportunities between Boys and Girls, created in 1981, was wound up in 1994. This commission played an advisory role for the Minister of Education. All educational advisory functions were transferred in 1990 to the Flemish Council on Education, which in 1992 established its own "diversification" unit to coordinate the reform project known as "diversifying study options for girls in full-time technical and vocational education". This project was concluded in November 1996, and the unit was then given two further missions:

- To integrate the materials and methods developed during the "diversification" project into the educational mainstream;

- To develop an awareness of the need for more women in management positions at the secondary education level.

This unit in turn was wound up by the Flemish minister responsible for education, on 15 November 1997. The unit's tasks were taken over by the "Beleidsgerichte Coördinatie" section of the education department (see above). Efforts at integrating the idea of emancipation into education are continuing, however.

2. Integrating the idea of emancipation into "final standards" and "training objectives". These relate to the teaching objectives that schools are expected to achieve for different age groups, regardless of which authority they fall under.

The following provisions, among others, have been adopted as final standards for secondary education:

- Choice of studies, focusing on boys and girls;

- Social aptitudes, including respect for individuality and the ability to argue one's own point of view;

- Instruction in civics, with a view to making pupils aware of how men and women behave in society generally, and in the family in particular, and to draw comparisons with their own family situation;

- Technological education.

These aspects of educational objectives make it possible to examine emancipation more closely. They need however to be incorporated permanently into concrete study courses, student preparation and teacher training. Much work remains to be done in this regard.

In the German-speaking Community, a pilot study was carried out with the promotion and equal opportunity section of the department of family affairs of the Grand Duchy of Luxembourg, to review traditional images as they are presented in school textbooks and in the approach to education itself, and differences of attitude between boys and girls. This initiative is intended to overcome certain sexist clichés about behaviour, and traditional notions about the roles of males and females in education and in the performance of household tasks.

Similarly, various social groupings in the German-speaking Community have collaborated in a project entitled "Sharing equality: are boys and girls receiving the same education at home and school?" It was discussed at the end of November with primary school and kindergarten teachers and with parents, daycare workers and all those who play a role in the education of children.

In the French-speaking Community:

Language, both written and spoken, can play a determinant role in forming ideas, attitudes and perceptions. Our choice of words reflects our values, and can in turn influence mentalities. The decision to extend the scope of the Decree on feminizing titles and functions and to apply it to educational texts and manuals represents an attempt to make women more visible, not only in occupations that are all too frequently regarded as "masculine", but also to highlight the progress that women have been making in all areas of working life. This is one of the methods adopted to fight stereotypes about the roles and possibilities assigned to women and men, which still too often tend to limit study options for young people of both sexes.

The Council on Education and Training has issued an opinion calling for a reorientation of training programmes for current and future teachers (initial and continuing training) so that teachers can acquire the knowledge and attitude that will allow them to play a leading role in promoting equality between men and women.

5.3. Action through the media

A monitoring station known as ZORRA[8] was set up in Belgium in 1996, following a study day on the issue of equality in advertising sponsored jointly by the "Women's Studies" division of the University of Antwerp and the Emancipation Service of the city of Antwerp.

The objectives of this monitoring station are as follows:

- To gauge public reactions to the images of men and women as portrayed by the media, to determine the potential influence that discriminatory advertising content may have on emancipation, and to devise short- and long-term strategies for reacting to such messages;

- To encourage a more progressive attitude and the elimination of stereotypes from advertising, as well as taking action whenever men or women are portrayed systematically in an irresponsible manner in certain ads. The ultimate goal is to ensure that advertising reflects the rich diversity of female and male characteristics.

A number of more selective initiatives relating to the portrayal of women in the media have also been taken:

- On 7 and 8 March 1994, the first European Conference of Female Ministers of Member Countries of the Council of Europe was held in Brussels, at the initiative of the Minister of Employment and Labour responsible for equal opportunity policy. The declaration of principles signed at the conclusion of this conference dealt, among other things, with "the image of women in the media and in advertising". Ministers called for ensuring that the images of men and women should be positive and free from prejudice. They urged the media to take all possible steps to fight discrimination against women, for example by adopting a code of ethics or setting up a neutral monitoring body. Following this conference, the department of women's studies at the U.I.A.[9] was assigned to draw up a project on the image of women. This project involved a review of existing literature on the issue, and preparation of several documents that were submitted during a symposium that was held in Brussels on 19 April 1995, and which had as its theme "The Image of Women in the Media".

The results of this study were used to prepare a series of practical tools that in effect constitute a self-regulating code for image makers. To the extent that they want to take systematic account of the social impact of their products on women and on the image of women, media designers can now turn for guidance to a checklist on diskette. A video has also been produced.

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[8] Flemish acronym for "Seeing, recognizing, reacting to ads and publicity".

[9] University Institute of Antwerp.

The brochure, the diskette and the video are now available free of charge to all target groups, and will be tested for their effectiveness.

As well, the checklist developed in the course of the study will be used by the Federal Equal Opportunities Service in examining complaints about sexist advertising that may be submitted to it. The federal Minister responsible for equal opportunities will also be asking the Advertising Ethics Jury to use this checklist in its examination of advertising messages.

To ensure a broader impact for these various tools, an agreement has been signed with the European Union to have them translated into various languages and distributed in member countries.

The federal Minister responsible for equal opportunity policy, in cooperation with the BRTN[10], has published a brochure entitled "Don't assume there's not a woman ...", highlighting the experience of hundreds of women, which has been made available to journalists and institutions in order to raise the visibility of women. A similar compilation was done for the Francophone Community in cooperation with the Women's Commission of the RTBF[11] in 1994. The Flemish language version of 1996 is now a book of 282 pages. A French version, modified to incorporate references to German speakers, was in the course of preparation at the end of 1997.

As part of the "Humanities" research programme of the Flemish Community, funding has been provided to promote policy research. The 1996 budget awards two mandates to Flemish universities' women's studies departments for research on the issue of women and the media. The work includes surveys and analysis of social and ethical arguments concerning the image of women and men in the media, as well as the influence of sex as a variable in shaping the image of men and women in the media.

The Flemish Media Council has adopted a quotas rule in its bylaws, to ensure balanced representation of men and women, and has adhered scrupulously to this rule.

The BRTN, a Flemish public institution, has appointed an emancipation officer to oversee affirmative action taken by the institution as an employer with respect to its staff, and to monitor the image of women as portrayed in its productions, in conjunction with a working group comprised of producers and programmers.

The close involvement of the French-speaking Community in the issue of women and the media flows directly from a resolution adopted by its Council in June 1994. That Resolution stipulates that, within the priorities defined during the preparatory stage for Beijing, special attention will be paid to "implementing strategies for making the media a useful resource for promoting equal opportunity, sustainable development and peace". It also calls for the

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[10] Flemish-language radio and television.

[11] French-language radio and television.

design of affirmative action measures that will give women greater access to areas in which they can express themselves, including creative programming work and decision-making positions.

In the course of analysis and consideration of the media topic on the agenda for the Fourth World Conference on Women, more than two hundred media professionals met in Toronto in March 1995, under the aegis of UNESCO, to draw up recommendations and strategies for promoting access by women to expression and decision-making in and through the media. The Francophone Community played an active and internationally recognized role in the work of preparing this meeting, and sponsored the participation in its proceedings of several experts, not only from the Community itself but also from Benin, Senegal, Morocco, Tunisia and Burkina Faso.

The work accomplished in Toronto was important for the influence it had not only on the wording of the media portion of the Beijing platform, but also on the section dealing with violence and ways of combating it.

In both the preparatory and the follow-up stages to this conference, the Equal Opportunities Service was careful to provide information to individuals and organizations with an interest in this work, and to relay proposals or information provided by those individuals and organizations.

- In the French-speaking Community, the Advertising Ethics Jury had already been sensitized to the question of sexism in advertising. The Jury has now been replaced by the Senior Audiovisual Council, the President of which is a woman.

A first meeting was held in November 1996, in the form of a hearing with the Equal Opportunities Service of the French-speaking Community. Each member of the Ethics Jury was provided with a sizeable portfolio of legal texts relating to the image of women and advertising ethics. The Senior Audiovisual Council is examining the possibility of adding this issue to its agenda.

At the present time, there is virtually no monitoring of public radio and television broadcasting in the French-speaking Community. It should be noted nevertheless that, on 19 December 1992, the Senior Audiovisual Council issued an opinion relating to the image and status of women in television. To date, this opinion (found in annex 12) has led to inclusion of an article within the "ethics code relating to television broadcasts that include scenes of violence" that was adopted by all broadcasters in 1994, in the presence of the Minister responsible for audiovisual broadcasting, and which stipulates that "attacks on the image of women and on their integrity are an example of moral violence that should be taken into consideration". This provision applies both to in-house productions and those purchased from other producers.

Two particularly interesting initiatives in the French-speaking Community should be noted:

- Training in communication and equal opportunities for men and women, aimed at editorialists in the voluntary sector of the French-speaking Community - conducted in 1995 with the assistance and financial

support of the European Commission Office in Belgium, and in cooperation with the Women's University.

This represented a first experiment within the French-speaking Community aimed at editorial writers in the voluntary press. The media often convey simplified and standardized images of women that reflect, and may even reinforce, the conventional hierarchy and dichotomy of roles and status within society. The principal objective of this sensitization training was to promote awareness of these stereotypes. The theoretical discussions and practical activities attempted to highlight the mechanisms by which these stereotypes are reproduced, often unconsciously. Participants were urged to experiment with new ways of expressing themselves and to help, through their spoken and written words, in the slow and difficult process of achieving equality, something that requires constant vigilance even by those who are most aware. A record of proceedings from this training programme has been prepared and published.

- A roundtable on "women and advertising ethics", hosted by the Equal Opportunities Service of the French-speaking Community in cooperation with the CFFB (Council of Francophone Women of Belgium).

This event served to identify the following aspects:

- Development of a code of good conduct, by means of dialogue among all sectors concerned (lawyers, sociologists, advertising professionals, women's movements, consumer groups, etc.);

- The need to conduct studies and evaluations;

- Sensitization campaigns among advertising producers and consumers;

- Encouraging children, adolescents and adults to adopt a "critical view";

- The desire to see more women in both management and creative positions in the media.

On another front, the Equal Opportunities Service has formed a partnership with WITEC, a European network of female technological experts, to promote access for women to new technologies. A meeting of the network was hosted by the French-speaking Community in 1996.

5.4. Action against violence and sexual harassment

5.4.1. Violence:

For 10 years, Belgium has been pursuing a policy to combat violence against women and children. It has conducted a scientific study on the nature, scope and consequences of physical and sexual violence among a cross-section of Belgian women ("Women's Experience with Physical and Sexual Violence:

Prevalence and Consequences", UCL[12], 1988). A national information and awareness campaign was launched, using posters, a brochure about deliberate violence ("Violence: Voulue?"), and a flyer on "Violence against women and children" (see Annex 13), and teaching materials were distributed freely to the public. These included a video, entitled "Dis-le!" ("Speak out!"), the purpose of which is to teach children in primary school to stand up for themselves. As regards care and attention for victims, the Minister responsible for equal opportunities policy has taken steps to ensure appropriate arrangements at police stations and proper training for police forces (how to hear and deal with women's complaints about violence), and a police response kit for helping victims of violence has been prepared. The Minister has also instigated affirmative action initiatives for bringing women into the police forces.

In addition, an effort has been made to improve the legal situation of victims, as reflected in the new rape law of 4 July 1989. That law provides the first legal definition of the crime of rape: "any act of sexual penetration, of whatever sort and by whatever means, committed on a non-consenting person". The means employed, the sex of the victim and the orifice of penetration are immaterial. Rape within marriage is also punishable by law. Finally, the applicable penalties and the definition of aggravating circumstances have been amended, and a number of procedural changes have been introduced.

The Sexual Assault Pack (SAS) has been updated to help expedite judicial investigation into accusations of sexual crimes. The SAS also offers a way of avoiding "secondary victimization", by ensuring that the victim is properly dealt with by the police, the gendarmerie, the forensic medical specialist and the prosecuting attorney. In addition to providing recommendations and directives to these authorities, the SAS contains a kit of medical materials, specially selected and designed for taking samples of any evidence of sexual violence. Following an evaluation by the Ministry of Employment and Labour and the Ministry of Justice, the SAS is being revised and a new version will be ready for early 1998.

Since many victims of sexual violence do not report such crimes to the police, but turn instead directly to their physician for attention, medical attestation forms and a procedural brochure have been provided to doctors for reporting acts of violence. Following an evaluation by the Ministry of Employment and Labour and the Ministry of Justice, these materials are being revised and a new version will be ready for early 1998.

Sexual crime is a social problem, and for this reason the courts may not always be the most effective approach for dealing with it. Thus, in 1992 a pilot project of "Aide aux agresseurs" ("Help for attackers") was launched, with a view to preventing recidivism in sexual offenders by teaching them how to control their deviant sexual behaviour.

A provincial coordinators' project on violence against women has also been instituted. The role of these coordinators is to advise all partners in contact with victims of violence about the issue of violence and to familiarize them

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[12] UCL: Catholic University of Louvain.

with the different instruments developed by the authorities, to promote cooperation among different sectors, to bring to light any underlying problems of assistance, and to fill in gaps. Address files have been compiled for each province, in an effort to help provide guidance to victims.

In February 1996, the Minister responsible for equal opportunities policy appointed the UCL and the University of Liège to conduct a study of penal law as it relates to indecent assault, rape, physical violence in the family and genital mutilation, with a view to modernizing and reforming the criminal code. Those studies focus on the criminal aspect of all forms of family violence, including cases of genital mutilation. The work led to adoption of the law to combat violence between partners, of 24 November 1997 (M.B., 06.02.98), whereby violence against a spouse or against a person with whom the perpetrator is or was cohabiting or has or had a lasting sexual and affective relationship is explicitly covered by the criminal code, and penalties are increased in such cases. Moreover, this law makes it possible for charges to be laid, with the consent of the victim, by any public institution or association that was legally constituted at least five years before the facts of the case occurred, and that is devoted by statutes to the purpose of preventing violence between partners and to offer assistance to victims and their families.

The Ministry of the Interior is active in combating violence in several ways.

Initiatives of the Ministry of the Interior:

The Ministry of the Interior has adopted a policy of providing better attention for victims of violence, in the following ways:

- offering qualified personnel who have had special training;

- setting up shelters for victims of physical and sexual violence;

- providing the police with all the means necessary for them to deal effectively with cases of violence, so that victims can be properly attended to and heard in a calm and personalized atmosphere, by specifically trained personnel, and in this way to avoid any feeling of secondary victimization that might be induced by inappropriate treatment;

- providing younger victims with specially arranged shelter suitable to their age. Video recording equipment will be provided for recording children's testimony, so as to save them, as far as possible, from the trauma of having to retell their story and thus to relive their violent experience repeatedly. The objective here is to have every police station arrange for a special area where victims of physical and sexual violence can be received and heard.

Initiatives of the Ministry of Justice:

Recent initiatives have related to the following measures:

- The rights of the victim under the criminal law and during court proceedings (a ministerial directive dealing with the treatment of victims by the prosecuting attorney and the courts of first instance has also been issued);

- Taking statements from victims, and the way these statements are handled by the responsible authorities (since 1996, every district has had a service within the public prosecutors's office for receiving and attending to victims);

- Moral support for victims and their families. (To overcome problems relating to conflicting powers, sources of funds, jurisdictional disputes and various legal problems, a National Victims' Aid Forum has been set up by the Minister of Justice. This body, created at the federal level, has 14 members, all of whom are involved in the treatment of victims. Its goal is to provide victims with comprehensive attention. To this end, it has formulated proposals for improving coordination of victim treatment, and is currently engaged in preparing a victim's guide that clearly spells out the rights of victims and the means available to them for enforcing those rights. At the request of the Minister responsible for equal opportunities policy, the Forum will organize training sessions for magistrates);

- Financial assistance. (The authorities intervene directly in cases of deliberate violence, where the perpetrator has no money or is unknown. The Assistance Fund for Victims of Intentional Acts of Violence is thus a supplementary recourse). (See brochure in Annex 14.)

In the Communities, a number of initiatives have been taken to prevent violence and provide aid to victims.

In preparing a policy on behalf of victims, the Flemish Community has opted for providing them with special assistance.

Flanders currently has 13 accredited centres for providing aid to victims. Given the greater attention now being paid to victims of crime, every court district has assigned the provision of victims' aid to a multi-purpose centre so as to achieve a fair regional distribution.

Coordinating and supporting the work of the various victims' aid centres is done through the Steunpunt Algemeen Welzijnswerk, afdeling Slachtofferhulp Vlaanderen, which has introduced a training programme for coordinators and volunteers.

When it comes to coordination with the federal authorities, the Communities participate in the National Forum on Victims' Aid Policy, sponsored by the Minister of Justice in cooperation with the Ministry of Employment and Labour. In this context, a cooperation agreement on victims' aid has been in place

since 1996, to ensure a proper link between initial attention to victims (a federal responsibility) and subsequent aid and therapy (provided by the Flemish and Francophone Communities).

The French-speaking Community has more than 120 mental health centres, some 50 "Maisons medicales" (medical assistance clinics), and more than 40 drop-in centres for adults in difficulty, of which about 15 are reserved for women with or without children. Most of them receive government grants.

The services that are called upon specifically to help victims of sexual violence receive subsidies under the permanent education and social assistance programme. Their role consists of receiving victims, preventing spousal and family violence, organizing discussion groups, providing therapy for individuals, couples and groups, preventing violence related to prostitution, offering shelter for battered women and children, and training social workers in the treatment of rape victims.

Two other specific measures are worthy of note:

- A series of conferences, "Des silences ... et des violences" ("Silence and violence") sponsored by the Centre for Social Studies and Documentation - "Actualités Femmes - Liège" Network. These meetings provide an opportunity not only for information, sensitization and discussion, but also for analysing the issue and placing it in its proper perspective. In this way, these gatherings constitute a preventive measure for breaking the cycle by which violence is transmitted.

- "Solidarity Week with Algerian Women", held 4 to 8 March 1996 at the Free University of Brussels to inform and sensitize public opinion to the current situation of women in Algeria. Participating artists and activists made an impassioned call for solidarity with "this resistance that consists of keeping on with their daily life and work despite mourning, despite threats and despite fear".

In the German-speaking Community, a shelter for battered women has been established, along with counselling facilities for victims of violence. The "Frauenkontaktstatte" is a centre offering specialized services for women, under the slogan of "defending the status of women".

Specific courses for the police forces are also sponsored within the German-speaking Community, in cooperation with specialized services for female victims of violence.

In Flanders, Brussels and Wallonia alike, assistance centres for victims of physical and sexual violence ensure that such victims, and their families, can receive help and support as quickly as possible after the event, so as to prevent their trauma from worsening. These centres are open to victims of all kinds of crime.

5.4.2. Sexual harassment

The Government has been paying close attention to the phenomenon of sexual harassment in the workplace since the early 1980s.

The scope of the problem in Belgium was recognized for the first time when a public survey was conducted in 1984-1985 at the initiative of the Commission on the Employment of Women. That survey found that 41 per cent of women and 21 per cent of men interviewed knew of a case of sexual harassment. One-third of the women and a tenth of the men had themselves encountered problems of this kind in the workplace.

The former Secretary of State for Social Emancipation, today the Minister of Employment and Labour responsible for Equal Opportunities Policy, publicized the results of this survey through a campaign with the slogan, "Sex-Collègue? Ex-Collègue!" ("Sex colleague? Ex colleague!"). This campaign attracted considerable notice. Besides the many positive reactions from victims, it also stimulated interest in the issue on the part of employers' and workers' organizations.

As part of its prevention programme, the Commission on the Employment of Women produced a leaflet entitled "Sexual harassment in the workplace: prevention is better than cure", summarizing the steps that employers and workers could take. 30,000 copies were distributed to the country's largest businesses in June 1991.

Publication of the European Commission's code of good practice, together with a growing body of testimony, some of it dramatic, from people who dared to speak out about their problems, led the Minister to move on to a new stage in this policy: a royal ordinance for the protection of workers against sexual harassment was promulgated on 19 September 1992.

The royal ordinance applies to all private sector employers and to public institutions such as lending agencies and autonomous public enterprises that are required, pursuant to the law of 8 April 1965, to establish working regulations. It defines sexual harassment in the workplace as any form of verbal, non-verbal or physical behaviour of a sexual nature by anyone who knows or should know that it is offensive to the dignity of women or men at work.

Employers are required to amend their working regulations and to implement the following preventive measures:

- first, to issue a declaration of principles declaring that sexual harassment is intolerable and unacceptable;

- second, to designate a person or office to provide confidential counselling, assistance and support for victims;

- third, to draw up procedures for dealing with complaints;

- fourth, to state the penalties to which anyone who commits an act of sexual harassment is liable.

Since 1992, some 60,000 businesses have amended their working regulations accordingly.

The royal ordinance of 9 March 1995 on the protection of federal public employees sets out these same four requirements, adapted to the public sector.

That royal ordinance was followed by publication of a circular dated 7 August 1995, requiring introduction of four measures to protect staff members against sexual harassment in the workplace (declaration of principles, appointment of an office or of two persons to whom victims can turn in confidence, a complaints procedure, and penalties or disciplinary action).

To back up these ordinances, two telephone lines (one for Flemish speakers and one for Francophones) were set up to provide free information and advice (anonymously and without formalities) to victims of sexual harassment in the workplace and to the confidential counsellors. Complaints and questions are recorded and processed, and callers may be directed to an assistance network of sexologists or to other specialized services. The solutions proposed are then assessed. At the decision of the Minister responsible for equal opportunities policy, the contracts for these "sexual harassment hot lines" have been extended through the year 1996.

These "hot lines" have proved their usefulness in the past, and this method for handling victims should be continued in the future. To make the lines permanent, they have been formally integrated into the system of "Télé-accueil" ("Tele-help") federations that receive funding from the communities and regions. This initiative offers the advantages of continuity and greater accessibility.

In 1995, training courses were arranged for all confidential counsellors, and they were grouped into networks during the third quarter of 1997, in order to ensure better coordination of counselling services and information processing.

Information packages for counsellors and victims, as well as more general brochures and awareness posters, have been prepared and made available.

In 1996, a qualitative survey of violence, sexual harassment and hazing practices in the workplace was initiated. At the same time, efforts have been made to strengthen the various strategies open to victims to deal with these problems or to put an end to them.

In February 1996, a six-month pilot project was launched within the Flemish civil service, inviting victims of sexual harassment to turn to an external counsellor, who was expected to provide emotional support, to advise the victim on how to deal with the problem and, if the victim so requested, to approach the colleague or superior responsible for the harassment. The functioning of this system was assessed at the end of the six-month trial period. It should be noted that this pilot project was intended not only to provide victim counselling and to help put a stop to the offensive behaviour in question, but also to provide input for an overall survey of the situation in the Flemish Community and thus establish a database for putting advice and suggestions to policy makers.

Until February 1997, following the pilot phase, the project was made an integral part of personnel management in the Ministry of the Flemish Community, through the Emancipation Commissioner. The external consultant has continued to pursue the issue of how to counsel and assist staff members who complain of sexual harassment at work, and a new information campaign was launched in 1997, aimed at managers and all staff members and covering the harassment issue and the assistance that is available.

In the German-speaking Community, some agencies have appointed resource persons to receive complaints from victims of sexual assault.

Article 6

Traffic in persons

By the end of the 1980s there was a public awareness in Belgium, as in other European countries, of the existence of organized trafficking in human beings, a disturbing phenomenon that went well beyond the "classic" and traditionally tolerated forms of prostitution.

The problem of human trafficking is opaque and very complex, and one that cannot be ignored by anyone who is concerned with defending basic human values. Such considerations led the Secretary of State for Social Emancipation (currently the Minister responsible for Equal Opportunities Policy) to make this issue a priority for attention.

In December 1992, a Parliamentary Commission of Inquiry was established to conduct an in-depth examination of the issue and to prepare a comprehensive policy to suppress the trade in human beings. The Commission carried out its work over a 15-month period during 1993 and 1994.

Shortly after its report was completed, a series of sensational revelations aroused lively interest in the issue in Parliament. It emerged from testimony that women are the primary victims of human trafficking, and that the most widespread activity involves the recruitment of cabaret dancers through impresario offices: once women are hired by these cabarets, located for the most part in the major cities, they are forced by various means of intimidation to engage in prostitution. The Commission of Inquiry concluded that, since 1986-1987, some 3,000 women had ended up in the sex industry.

Results of the Commission of Inquiry

The Commission of Inquiry concluded that the legal arsenal available to combat human trafficking had a number of gaps and was ineffective. It made a series of recommendations, accompanied by draft legislation, intended to reinforce efforts to stop such trafficking.

The work of the Commission thus gave rise to the law that was adopted on 13 April 1995, containing provisions to stop the traffic in persons and to curb child pornography. In addition to this new legislation, the growing interest in the problem of trafficking has made itself felt in stricter enforcement of social legislation, in the creation of three specialized counselling centres, in

the initiation of legal proceedings, in the creation of an interdepartmental coordination unit, and in the establishment of a central unit within the gendarmerie. As well, the Commission has prepared a series of recommendations for strengthening the anti-trafficking effort. The work of the Commission has also had judicial repercussions, and anti-crime policy in Belgium has been considerably reinforced.

A multilingual information brochure has been prepared and is being distributed to persons (women) of foreign origin when they register as residents in their municipality of choice.

The law on human trafficking of 13 April 1995

The campaign against the trafficking and sexual exploitation of women and children was until recently not a priority of Belgian criminal policy. By legislating in this area, the parliament has made a value choice.

The principal provisions of the law are as follows:

a. The law of 13 April 1995 does not change the overall "abolitionist" thrust of the Belgian system: only the exploitation of the prostitution of others is a crime. Parliament has deleted the specific crime of procuring, in order to avoid sanctions against cohabitation with a prostitute. On the other hand, article 380 (b)(1) new line 3 punishes hotel pimping, i.e. the act of selling, letting or supplying rooms or any other facilities for purposes of prostitution in order to make an abnormal profit. The wording of the law thus gives express recognition to the legal criterion of abnormal profit;

b. Trafficking for purposes of prostitution or other forms of sexual exploitation is part of a much broader issue of traffic in persons that extends to other sectors such as the construction industry, domestic workers, etc. The primary objective of the legislation is thus to equip the justice system with the means to combat the different forms of trafficking across the broadest possible front, specifically by the addition of article 77 (b) to the law of 15 December 1980 governing the entry of foreigners into the Kingdom and their presence, establishment and removal. This provision targets situations where persons in a vulnerable position are abused without being physically deprived of their liberty;

c. Further aggravating circumstances have been added with respect to the exploitation of prostitution and debauchery. The 1948 legislation had already made it a crime to exploit prostitution, even of a consenting person, as called for in the New York Convention of 2 December 1949.[13] This time, however, the law goes significantly further, since it imposes criminal penalties on "forced" trafficking or "forced" prostitution, i.e. the use, directly or indirectly, of deceit, violence, threats or any other form of coercion for such purposes. Furthermore, it makes it a crime

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[13] Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.

to abuse any person who is particularly vulnerable because of an illegal or precarious administrative situation, pregnancy, illness, infirmity or physical or mental deficiency;

d. The law contains specific provisions with respect to minors (child pornography, art. 383 b, and advertising, art. 380 e, of the Criminal Code) and imposes criminal penalties on all forms of exploitation of the prostitution or debauchery of minors. The law on trafficking was also intended to cover sexual tourism, at least as concerns minors, the sexual exploitation of whom constitutes a worldwide problem both in terms of its scope (there are hundreds of thousands of child prostitutes around the world) and its drastic consequences for children's physical and psychological health (more and more children are afflicted with AIDS). Henceforth, an extra-territorial clause will allow prosecution of anyone found in Belgium who has committed a crime of morals abroad as defined in the law (including trafficking in persons, but also sexual abuse of minors under 16 years of age);

e. The severity of the prison penalties and fines for traffickers in persons and for those who exploit prostitution reflects the importance that Parliament accords the struggle against this phenomenon. The law also makes it possible to attack trafficking through the financial side of such networks;

f. The powers of the Centre for Equal Opportunities and the Struggle against Racism have been expanded in the effort to combat human trafficking.

Social measures on behalf of trafficking victims

The law empowers the King to determine rules and measures on behalf of the victims of human trafficking, in order to assist them in seeking legal redress. Following the work of the Parliamentary Commission of Inquiry, a circular was prepared by the competent ministries on the issuing of stay authorizations and work permits to foreigners who are victims of trafficking (M.B., 7.07.1994). That circular is part of the enforcement measures for the law of 13 April 1995 (M.B., 24.04.95), with its provisions on suppressing human trafficking and child pornography. A system of temporary stay permits for victims has been instituted: victims are allowed a stay of 45 days in order to seek counselling and assistance from specialized social agencies before returning to their country of origin, and a renewable three-month stay permit is issued to victims who bring a complaint and cooperate with the justice system in the course of a judicial inquiry. Victims who have a temporary stay permit are entitled to social assistance. These provisions regarding temporary stay for victims of human trafficking have been set down and reinforced in a circular dated 13 January 1997. The official issuance of this supplementary circular was accompanied by publication of a brochure and a multilingual leaflet for victims. These two publications are part of the effort to inform and sensitize the main services involved in applying the above provisions.

Two specialized centres for counselling and assisting victims are now receiving funding from the Flemish Community: they are Payoke, in Antwerp, and Pagasa, in Brussels (royal ordinance of 7 April 1995 on financing emergency

assistance and counselling for victims of human trafficking). The SURYA centre in Liège has also been set up with public support, and provides help to victims through the public social assistance centre. Other centres and associations such as the "Mouvement du Nid" and "Espace P" are also in operation.

A support network for victims of human trafficking has also been established within the Flemish Community. It consists of a series of local support points in various regions, where victims can report their situations and seek counselling and assistance. These local support points have been set up in existing multipurpose mobile centres, and they receive subsidies to defray their operating costs. There are currently five such centres, at Kortrijk, Brugge, Hasselt, Herentals and Ghent.

Legal standing for associations

The law of 13 April 1995 (art. 11 (5)) provides that the Centre for Equal Opportunities and the Struggle against Racism, as well as accredited associations and public agencies, may bring action before a court in cases involving enforcement of that law. This provision is intended to allow such agencies and associations to protect victims against various forms of intimidation by taking legal action on their behalf against prostitution or trafficking rings. In this context, the "Mouvement du Nid" and "Payoke" have received accreditation by royal ordinances of 30 January 1996 and 29 January 1997.

Pursuing and monitoring the struggle against trafficking

The work of the Commission of Inquiry revealed the need for an effective policy against the crime of trafficking, and one that would involve coordination between the administrative authorities and the social sector in taking measures to attack the problem at its roots. The Centre for Equal Opportunities and the Struggle against Racism was designated to "promote the fight against human trafficking". The royal ordinance of 16 June 1995 makes the Centre responsible for coordinating and monitoring the policy for combating international trafficking (coordination of an interdepartmental unit). The Centre is also charged with overseeing cooperation among the various private assistance and counselling services for victims, and for preparing an annual evaluation report.

The annual government report

The law also calls for the Government to report annually to parliament on its enforcement of the law on trafficking and on the fight against human trafficking in general. This report on policy implementation is to contain a statement of the situation with respect to prosecutions. The last available report dates from October 1996 (see Annex 15).

Trends in prostitution

There is no clear evidence from available data that prostitution in Belgium is growing. In 1995 it was estimated that prostitution affected between 10,500 and 14,000 persons, a figure that appears to be holding steady.

The world of prostitution is changing, however. The number of foreign prostitutes is on the rise, and it is expected that population movements (from Africa and countries of the East), as well as the presence of illegal immigrants, will increase. Besides the "official" measure of prostitution cited above, then, there is an unmeasurable amount of clandestine, occasional and private prostitution.

Liaison magistrates in the offices of the procurators-general ("parquet généraux") and of the crown procurator ("procureur du Roi")

Pursuant to the commitment made in point 1.5 of the conclusions in the government report, the procurators-general ("procureurs généraux") have appointed a liaison magistrate, within the five "parquets généraux" and the 27 "parquets du pays", to handle cases of human trafficking and for maintaining contact with these specialized assistance centres.

The Ethics Commission for telecommunications information services

Pursuant to the law of 27 March 1995, which prohibits all advertising aimed at minors that promotes services of a sexual nature for purposes, directly or indirectly, of profit or of prostitution, the Ethics Commission for telecommunications information services has prepared a code of ethics applicable to all signatories of contracts between network operators and service providers.

The struggle against AIDS

Initiatives in the Flemish Community

PASOP

A survey conducted in the late 1980s showed the clear need for a counselling centre for AIDS and prostitution. PASOP was founded in 1990 as a non-profit association ("ASBL"), and an AIDS research programme was launched in 1992. In 1996, the Flemish Community approved an AIDS prevention project known as "Mobiele Equipe voor AIDS preventie bij prostituees" [Mobile team for AIDS prevention among prostitutes].

The objectives of this project can be summarized as follows:

To create an assistance model that will allow each year 400 women active in prostitution in the Ghent area to:

- have an annual cervical smear test for sexually transmitted diseases and for detecting cancer of the cervix;
- use a water-based lubricant together with a condom;
- have a place where they can speak freely about social or health problems relating to their profession;
- know the steps to take in the course of their work if a condom is torn or has slipped out of place.

To reach these objectives, a mobile team is deployed, consisting of a contact person, a public nurse and a medical doctor. The team goes out from the centre on four visits a year, covering a network of some 120 places of prostitution identified in previous years. Some of these places are located in the central prostitution district of Ghent (40 per cent) while others are on the periphery (20 per cent in the rest of the city and 40 per cent on roads leading to neighbouring towns). The team has appropriate GVO (health information and education) materials prepared in the course of previous projects, and employs an anonymous checklist to determine whether prostitutes are aware of the importance of the project's objectives. If necessary, the team can arrange for preventive medical examinations, but it tries to the extent possible to leave it to the women themselves to make contact with the existing support facilities.

In 1992, a vaccination programme against hepatitis B was launched.

The home base for all these projects is located in the street known as "Glazen straat". The reception facility is the pivotal point for the various projects, and is key to their organization. It is tied in with all the other activities and provides a bimonthly night-time service for foreign women working in the district, in addition to its regular counselling and weekly medical consultation services.

Payoke, another ASBL, also serves as a counselling centre on AIDS and prostitution.

In operational terms, we may speak of three methods that are employed for achieving the project's objectives.

Work at the centre

During operating hours, members of the target group can drop in and obtain general information on how to work safely, and can purchase specific prevention materials (condoms, lubricants, vaginal sponges, etc.) and obtain the addresses of general medical practitioners cooperating with the project or relevant medical services, etc. Many questions about health are received by telephone as well, primarily from private workers and from prostitutes engaged by bars or escort agencies. Given the great diversity of the target group, in terms both of their geographical distribution and of the nature of their work, this function of the centre constitutes a key link in developing a truly comprehensive AIDS prevention policy for these people.

Peer support

The term "peer support" implies enlisting people with "experience" to help in implementing AIDS prevention measures. They play an important role in making contact with the target group. Because they themselves are or have been engaged in prostitution, they can gain access more readily to the target group. They know how to get as close as possible to this group. Moreover, they know the profession in detail, and they can convey highly specific information on how to work safely, etc.

Street work

This method is aimed at encountering the target group in its actual working environment. Since many prostitutes will never avail themselves of the existing assistance services, this method is absolutely essential for developing contacts with the target group. It is standard practice for the "peer" assistant to be accompanied by a "street" assistant. Together, they attempt to make contact, to answer questions about health or hygiene, and to offer various kinds of preventive help.

During 1997, the following activities were conducted, among others:

- Free distribution of an information bulletin, "Red 69";
- Launch of cooperation with the general practitioners' network and other relevant medical services;
- Publicizing experts;
- Various contacts with organizations working with Ghanaian and Nigerian women;
- Maintaining a regular presence in the "windowfront" prostitution zone and in the small hotels district;
- Collaborating with the "HIV in non-natives" project of the Tropical Institute, with particular attention to African prostitutes.

Initiatives in the French-speaking Community

The AIDS Prevention Agency, established in 1991, is carrying out AIDS prevention programmes among prostitutes.

The master plan for preventive action

The three-year master plan (1996-1998) setting out a strategic framework for AIDS prevention activities by health workers contains a segment relating specifically to the target group of prostitutes. Action programmes consistent with this master plan are prepared and managed by the "Espace P" association, which works with prostitutes and focuses especially on those with drug addictions.

"Espace P" activities

"Espace P" provides comprehensive support to individuals in the form of information and help with "economic problems" (over-indebtedness, repaying debts to the smuggling ring that brought them, homeless, to Belgium). Espace P works with the LAMA project on drug-addiction problems (facilitating access to methadone), and monitors and mediates social problems of all kinds. The association also sells condoms at wholesale prices. Espace P organizes awareness campaigns on the use of condoms, aimed at prostitutes and their clients. In immigrant prostitution circles, it uses the "snowball" technique,

whereby prostitutes are trained in prevention work and act as relays among their peers. It also develops and produces prevention materials (a quarterly magazine, a safe-sex brochure, prevention stickers and posters).

As part of its efforts to prevent prostitution among young people, the Mouvement du Nid hosted a public event on 14 December 1996, called "Prostitution des jeunes: tous, acteurs de prévention!" ("Youth prostitution: We can all help to prevent it!"). It served to highlight the particular attention that the French-speaking Community accords efforts to combat all forms of violence against children and women.

On 6 December 1997, the Mouvement du Nid took a further step in its efforts to prevent youthful prostitution by hosting a discussion day entitled "Exploitation sexuelle: les jeunes prennent la parole" ("Sexual exploitation: youth speaks out"). This event was centred around five themes:

- "The right to know and the right to speak", focusing on the relationship between youth and the justice system;
- "Control: Repression or Dialogue?", dealing with the relationship between youth and the police forces;
- "Sidewalk Realities";
- "Prostitution: Pornography and Sexual Tourism";
- "Sexual exploitation of children and teenagers".

Article 7

Article 10 of the Constitution stipulates that all Belgians are equal before the law. This article forms the basis of political equality (voting is compulsory in Belgium, and everyone, male or female, has an equal right to stand for election), legal equality (Constitution arts. 13 and 14), and equality in public office (no distinction is allowed among candidates for public employment unless it is generally applicable and based on objective criteria).

Article 27 of the Constitution provides that all Belgians enjoy the right of association, a right that may not be curtailed in any way.

In practice, however, it must be recognized that the proportion of women in decision-making positions is still lower than that of men. In an effort to sensitize public opinion to this issue, two leaflets (see Annex 16) were developed and distributed, with the titles "Sans femmes, le potentiel de votre organisation est amputé de moitié" ("Without women, your organization's potential is cut in half)", and "Les opinions sur les femmes sont nombreuses" ("There are lots of opinions about women"). As a further step to redress this situation, a quota system has been instituted in Belgium as a basis for bringing more women into politics. Steps of this kind were recognized at Beijing as being effective, their impact has been measured, and they have undergone a number of improvements.

More specifically, these measures consist of:

- The law of 24 May 1994 to promote balanced representation of men and women on electoral candidate lists

This law requires that the number of candidates of the same sex on any electoral list may not exceed two-thirds of the total. If the provision is not respected, the electoral authorities must reject the list. This general rule applies to elections at all levels (municipal, provincial, community and regional, federal and European). It will be fully in force for all elections after 1 January 1999. Until that time, the one-quarter/three-quarters rule applies. Thus, in the municipal and provincial elections of October 1994, a maximum of three-quarters of candidates were of the same sex. An examination of the results of those elections reveals an increase of 6 percentage points in the number of women elected, which rose from 14 per cent to 20 per cent.

- The law to promote balanced representation of men and women in advisory bodies (law of 20 July 1990) and its amendments (law of 17 July 1997)

The law of 20 July 1990 requires that, for each position to be filled in federal advisory bodies, any organization submitting candidates must put forward at least one man and one woman.

On the basis of a report assessing the effectiveness of this legislation, two shortcomings were revealed: on one hand, the requirement to present dual candidates in no way guarantees that the ultimate composition of the advisory body will be balanced, and on the other hand, in the absence of sanctions, the legislation has not always been strictly respected. As a result, an amendment to this law was adopted by parliament on 17 July 1997, requiring that a maximum of two-thirds of the members of any advisory body may be of the same sex (enforcement by results). The amendment also provides for sanctions in cases where these legal rules are not followed. Thus, a position will remain vacant until two candidates of different sexes are presented. Moreover, an opinion issued by a body that does not comply with the two-thirds rule will not be considered valid, unless the responsible minister can offer a reasoned justification to the contrary. This justification is deemed accepted, unless the Council of Minsters rules otherwise within two months after the justification is presented.

These two legal measures should help to achieve over time a "critical mass" of 30 to 35 per cent of women in elected positions and as members of advisory bodies.

- The Flemish Community decree of 15 July 1997 requiring more balanced representation of men and women in advisory bodies (M.B., 2.9.97)

The Council on Equal Opportunities for Men and Women

Following introduction of the law on the proportion of women included in electoral lists, the Equal Opportunities Council issued an opinion noting that

there had been an increase in the number of women elected to office, but declaring this increase to be inadequate.

In drafting this opinion, the Council faced difficulty in analysing figures on the number of women elected at all levels (European, federal, etc.), given that published election results were not yet broken down by sex.

In the wake of this finding, the Council undertook a statistical study in 1996 to enumerate all women elected at all political levels in Belgium, and it published these figures in a brochure entitled "Elected women: figures and statistics". An analysis and interpretation of these figures was subsequently undertaken by a university institute, to examine the influence of various factors on the number of women elected (system of alternate candidates, voting from the top of the list, etc.) The results of this examination will be available by late 1997 or early 1998.

As part of the promotional efforts to bring more women into decision-making circles where they are now under-represented, the Equal Opportunities Service of the French-speaking Community is sponsoring the formation of a Women's Permanent Education Centre (CEEP) that is intended to equip politically active women with the tools needed to promote democratic parity in the political sphere. A 130-page report has been published and distributed.

Article 8

Belgian women can represent their government at the international level and can participate in the work of international organizations on an equal footing with men.

1. Women in the diplomatic corps

The representation of women in the diplomatic corps, on the basis of their administrative classification, is as follows:

Classification	Total	Number of women	Percentage
1	11	0	0
2	120	7	5.83
3	84	11	13.09
4	66	14	21.21
5	39	6	15.38
6	57	9	15.78
Total	377	47	12.46

The total number of women in the diplomatic corps has risen considerably over the past 15 years, from a very low starting base of 4 officers to a number

that represents 12 per cent of the total professional staff. Significant progress can also be seen with respect to access for female diplomats to senior career positions, whether in Belgian diplomatic posts abroad or within the Ministry of Foreign Affairs.

The pattern of women at the different levels of seniority within the service reveals, not surprisingly, that they are less well represented in the most senior career positions. As well, it must be noted that only 4.2 per cent of diplomatic heads of post in 1997 were women. This figure reflects in large measure the dearth of women in the diplomatic service prior to the 1950s.

Nonetheless, their numbers have been growing steadily and the increasing presence of women can be expected to continue at all levels of the hierarchy since promotion, up to the second-highest classification at least, is automatic (provided there are openings within the establishment) after three years of service at levels 6 to 4, and after 6 years at level 3.

Detailed and annotated statistical tables can be found in the study entitled "From Nairobi 1985 to Beijing 1995" (pages 1.28 to 1.30) drafted in preparation of the official Belgian report to the Beijing Conference. These two documents have been provided to the secretariat.

2. The promotion of women in the diplomatic corps

The royal ordinance of 27 February 1990 was issued with a view to promoting the presence of women in the entire Belgian civil service. In the wake of that ordinance, the Ministry of Foreign Affairs adopted an action plan to ensure greater representation by women in the various advisory bodies dealing with the department's general operations, and with the professional and working conditions of its officers.

An "equal opportunities" working group was set up within the department. It has attempted, among other things, to find ways to make the diplomatic career more attractive for women, and to keep women from resigning early in their career for family reasons.

The Ministry of Foreign Affairs has entrusted the position of general manager of foreign service personnel to a female diplomat, who plays a major role in the decision-making and social coordination bodies of the department. Other women have assumed high-level positions, particularly within the General Directorate of Policy. Six female diplomats are currently serving as heads of post at embassies abroad (5 per cent).

It will still be some years before large numbers of female diplomatic officers reach sufficiently high grades to be appointed head of post.

The participation rate by women in the entrance examinations for the diplomatic service is declining. While the rate was often close to 50 per cent during the 1980s, it has declined sharply in recent years.

3. Spouses of diplomatic personnel

There are no specific regulations governing the employment of spouses of Belgian diplomats serving abroad. In this respect, Belgium applies the Vienna Convention, the provisions of which do not prohibit the spouse of a diplomat accredited abroad from holding a position of employment. The rules of professional ethics contained in the Statute of Agents of the State must be respected.

The Ministry of Foreign Affairs has set up a database for wives who accompany their husbands abroad and who wish to exercise their occupation. These data will be made available to the private sector, to professional organizations, federations etc. (NB: this initiative has not been very successful: only 15 fact sheets have been completed).

Article 9

Nationality legislation

Belgian legislation governing nationality is consistent with article 9 of the Convention.

One of the main objectives of the Belgian Nationality Code, which was introduced by means of the law of 28 June 1984 and entered into force on 1 January 1985, was specifically to eliminate any discrimination between men and women in the area of nationality, with respect to the transfer of nationality to a spouse or to children.

According to article 16 of the Belgian Nationality Code (CNB), "marriage has no automatic effect on nationality". With this provision, Belgian legislation is consistent with international conventions, including CEDAW and the resolutions adopted on 27 May 1977 by the Committee of Ministers of the Council of Europe. Resolution 77 (12) refers to the nationality of spouses of different nationalities, while resolution 77 (13) covers children born in wedlock. Both resolutions enshrine the principle of equality.

Consequently, a foreigner who marries a Belgian, or whose spouse acquires Belgian nationality during their marriage, does not automatically obtain Belgian nationality. Similarly, the loss of Belgian nationality by one of the spouses does not entail the loss of nationality for the other spouse.

With respect to the granting of Belgian nationality on the basis of filiation, Belgian legislation makes no distinction between maternal and paternal filiation (art. 8 CNB). This means that a child, born in Belgium of a Belgian mother and a father who has another nationality or is stateless, acquires Belgian nationality. In the case of a child born abroad, of a Belgian mother who was also born abroad, the mother must make a declaration within five years after the child's birth, claiming Belgian nationality for the child.

In the absence of such a declaration, the child will in any case acquire Belgian nationality, provided it does not have or retain another nationality by the age of 18 years or at an earlier age of emancipation.

If the father and mother both have Belgian nationality, the child will automatically acquire Belgian nationality on the basis of its paternal and maternal filiation.

The same principle applies to adoption. A child adopted by a Belgian woman acquires Belgian nationality as if it had been adopted by a Belgian man, pursuant to the same conditions in the law (art. 9 CNB).

An unemancipated child, who has not yet attained the age of 18 years and who is under the authority of a single natural or adoptive parent (the mother for example), loses its Belgian nationality when that parent voluntarily acquires a foreign nationality or renounces Belgian nationality, provided that the foreign nationality of the parent is attributed to the child or the child already possesses that nationality. Here again, there is no distinction between a male or female natural or adoptive parent.

Since entry into force on 16 July 1991 of the law of 22 May 1991, approving the Convention on the Reduction of Cases of Multiple Nationality and on Military Obligations in Cases of Multiple Nationality, signed in Strasbourg on 6 May 1963, there is no longer any distinction between men and women with respect to loss of Belgian nationality upon their acquisition of a foreign nationality or their renunciation of Belgian nationality. This law abrogates article 22 (2) CNB, which required that any person still on active or reserve military duty must have a royal authorization in order to renounce Belgian nationality.

The law of 13 June 1991, which entered into force on 1 January 1992, contains provisions allowing immigrants of the second and third generation to acquire Belgian nationality more easily, and applies equally to men and women.

The law of 6 August 1993, which entered into force on 3 October 1993, again makes no distinction between men and women. This law amended article 16 relating to the acquisition of Belgian nationality by a foreign couple of which one partner is Belgian (the length of cohabitation as a condition is prolonged) and eliminated the distinction between full ("grande") and partial ("petite") naturalization, as well as the notion of "Belgian by reason of birth".

Finally, the law of 13 April 1995, which entered into force on 1 January 1996, makes amendments to naturalization procedures. That law also respects the principle of equality between men and women.

Article 10

Education is a matter that falls within the competence of the Communities, and from a legal point of view it may be said that all forms of discrimination cited in article 10 are banned in Belgium. This point was noted in previous reports. It has been observed, nevertheless, that girls do not have the same opportunities as boys, in practice.

In order to overcome these observed inequalities, a number of initiatives have been taken by the competent authorities:

Education

In the Flemish community

As noted in the section on article 5, efforts are being made to incorporate the idea of emancipation into education policy. This is a slow process, for which a number of specific projects have had to be devised. In recent years, the following projects have been undertaken:

1. Project: "Diversifying study options for girls in full time technical and vocational education at the secondary level".

The first phase of this project, in which pilot schools in several secondary education systems cooperated, was aimed at encouraging girls to opt for one of the full-time technical and vocational education streams. Supplementary "teaching hours" were allocated to this project as part of a comprehensive effort to stimulate girls' interest in technical education. The project had three priorities:

- Broadening the range of study options for girls and boys;

- Training girls in technical disciplines;

- Transition to higher education and/or to work.

The second phase of the project focused on generalizing the experiment, in coordination with the education authorities.

This project lasted for several years, and its status as a "pilot project" was terminated in 1996. The Department of Education will use the experience gained to extend the project to other schools beyond those in the pilot stage. The "diversification" unit that was set up to organize the project has prepared specific materials and methodologies for such replication, in cooperation with the educational advisory services.

2. One of these products was the "Balans" module and game, developed as part of a European project in collaboration with Ireland and the Netherlands. The game can be used either by schools or by groups of students, and has been available since 1997.

3. In 1997, as a final step, this unit conducted a survey of women in management positions within the schools. Following that survey, a brochure and a poster were prepared as the basis for a sensitization campaign that was launched in the secondary schools in September 1997.

The Department of Education has instituted the following projects for women:

4. Project: "work-study cycle at the higher education level":

This project is targeted at low-income immigrant and non-native women who wish to obtain a higher education diploma, but are unable to do so because of their social circumstances.

The objectives of the project are:

- To help adapt education to the needs of the labour market, through close cooperation between higher education institutions and business;

- To experiment with a more flexible organizational form of higher education that, over the longer term, could be integrated permanently into the regular systems;

- To allow women in the target group to obtain a higher-education diploma that will open to them greater possibilities for promotion.

The regular course of studies has been maintained but is now differently organized, so that training and work can be combined. The part-time work aspect is intended to reinforce the training provided, and is designed according to the regulations governing higher education. The school and the business concerned work together to this end. The work phase is designed to increase the student's chances at finding a permanent job. In consultation with the Chamber of Commerce, the focus has been placed on business science and management, with options in computers, accounting and marketing, since these disciplines offer the greatest prospects for employment and advancement.

The training provided has been recognized as vocational training, and participants therefore enjoy the appropriate status during their training.

5. Project: "Work-study programmes: advanced training for pre-elementary teachers."

This project consists in providing vocational retraining for 78 non-native women working as inter-cultural mediators in public psycho-medical centres and nursery schools. It allows them to take part-time training during working hours, either in social development education programmes or in teachers' college. At the same time, the recruitment conditions have been amended so that at the end of their course, these women can be hired as full-time teachers on the basis of their professional experience and their diplomas.

The annexes to this report present statistics on the school population in Flanders, including responses to questions about access to teaching programmes, study bursaries, examinations, co-education, etc.

In the French-speaking Community

With the Decree of 24 July 1997 defining the priority goals of basic and secondary education and establishing the structures to achieve these goals, the Community has clearly reaffirmed its commitment to co-education and its desire to offer equal opportunities to girls and boys in their choice of studies. The Decree reiterates the following provisions, and makes them compulsory:

Article 10: "The French-speaking Community, in the education activities for which it is responsible, and any educational authority that receives public funding, shall (...) 3: ensure equal access for girls and boys to all forms of education."

Article 88: "The authorities of any publicly supported educational establishment may not refuse to enrol a student on the basis of social, sexual or racial discrimination, if the student agrees to subscribe to its educational goals."

There are two bodies that are responsible more specifically for preparing and monitoring legal provisions with respect to equal educational opportunities and the implementation of projects in teacher training and in educational institutions themselves:

- The Education and Training Council of the French-speaking Community (CEF)

The Council was created on 10 July 1990 (decree of 12 July 1990), and is composed of teaching and training representatives. Its primary task is to promote training and education activities sponsored or funded by the Community, with due regard for the organizational autonomy and freedom of the existing councils. As part of this mission, general objectives for the education and training programme have been prepared and submitted to the Parliament of the French-speaking Community. Another feature of this council is its major role in the area of "education-training-employment" and the studies it conducts, in cooperation with economic and social circles, into the problems of training for the work force. The Council has made it a point to devote full attention to assuring equal educational opportunities for girls and boys. It is expected to present an annual report on the situation of education and training.

- The Commission for Equal Educational Opportunities for Boys and Girls

The Commission's role is to foster co-education, a change of mentality, diversification of vocational options and teacher retraining. At its own initiative, or at the request of the Minister of Education, it may issue opinions, conduct studies and propose legal or regulatory measures in all matters related directly or indirectly to ensuring equal opportunities for boys and girls in their preparation for working life.

For further information on the education system in the French-speaking Community, see the brochure in annex 16 (b), and the general statistics on education.

Article 11

1. Preventing discrimination in employment

The right to work

Article 23 of the Belgian Constitution (as consolidated on 14 February 1994) provides that: "Everyone has the right to lead a life worthy of human dignity. For this purpose, the law, the decree and or the rule specified in article 134 guarantees the conditions of their exercise, taking into account the corresponding obligations of economic, social and cultural rights. These rights include particularly: (1) the right to work and the free choice of professional activity within the framework of a general employment policy, which among others, is designed to assure a level of employment, which is as stable and high as possible, the right to just working conditions and equitable remuneration, as well as the right to information, consultation and collective bargaining; ...".

Statistics show that the labour force (including the unemployed) rose strongly between 1985 and 1993. This growth was due primarily to increases in the female labour force, and in particular to higher participation rates for women between the ages of 25 and 50. This means that, upon entering the workforce, more and more women are remaining there and are combining their working life with maternity and family responsibilities.

On the other hand, the relatively high level of female unemployment can be appreciated by comparing the proportion of women in paid jobs (app. 40 per cent) and those who are unemployed (app. 60 per cent). The last 15 years have witnessed a somewhat paradoxical trend, whereby the rise in female unemployment has been accompanied by continuous increases in the numbers of working women. The female unemployment rate (16.4 per cent) was at the end of June 1993 nearly double that for men (8.9 per cent). Over the longer term, it can be seen that the unemployment rate for women has always been significantly higher than that for men.

In recent years, the Government has undertaken a number of programmes to deal with the social vulnerability of women:

- Employers' and workers' organizations have recognized the vulnerability of certain groups at risk, and have declared themselves ready to make an effort to train and employ these groups, which include "returning women". These are women who have never joined the labour market, or who have left it, generally for family reasons, but now wish to work. A certain percentage of the gross payroll has been devoted to training and employment initiatives that can be put into effect either in industry directly or through a Fund for Inter-Professional Employment. (This percentage was 0.18% for the period 1989-1990; 0.25% for 1991-1992; 0.15% for 1993-1994; 0.15% for 1995; 0.20% for 1990).

The FOREM/VDAB/ORBEM[14] agencies provide training of various kinds as well as information and counselling sessions to help people assess their individual capabilities and determine their vocational direction.

In the case of FOREM, it is interesting to note that in 1996 it adopted a platform of "equal opportunity for men and women" (see Annex 17). This platform is based on generalizing the principle of equality into all areas of the organization's work, so as to make equality "everyone's goal". The principle of equality is also enshrined in FOREM's management contract, with the result that there is no discrimination of any kind in any of the services offered by this agency to its various clients.

All of the services offered by FOREM/VDAB/ORBEM are thus accessible to returning women. They need only register as "unemployed job seekers freely registered".

Moreover, returnees to the workforce can also replace a person who is on extended leave, in certain industries where there is a labour shortage (A.R. of 2 January 1991, M.B. 12.01.1991; ministerial ordinance of 18 February 1991, M.B. 22.02.1991). Similarly, they may replace people who have taken early retirement pursuant to the regulations or at their own request (A.R. of 27 September 1989, M.B. 30.09.1989).

Under some collective labour agreements, employers who hire a returnee for a specific period may receive a financial subsidy from the public authorities (for example, the agreement with the Auxiliary Joint Commission for Employees).

- To break the pattern of horizontal segregation (in industry) and vertical segregation (within occupations), the Government has undertaken a series of awareness campaigns since 1986-87, in both the educational and the business communities, with a view to encouraging girls to opt for a more diversified and career-oriented education. Government plans and programmes - both federal and regional - for reducing unemployment place a heavy stress on vocational training and guidance for women.

- Since 1986, the national authorities have been supporting affirmative action to encourage the promotion of women into senior positions. The royal ordinances of 14 July 1987 and 27 February 1990 instituted affirmative action of this kind in both the private and the public sector.

[14] The FOREM/VDAB/ORBEM are regional agencies responsible, among other things, for providing vocational training to help job seekers find employment.

- The limited number of women in certain industries and functions is also in part a reflection of the ban on night work. Although this prohibition as it was laid down in Belgian legislation applied to men as well as to women, the exceptions to it differed greatly by sex. This legislation has recently been amended.

- At the European level, projects have been undertaken in Belgium as part of the third and fourth community programmes. These projects have been established under the NOW program (New Opportunities for Women). In regions eligible for industrial restructuring assistance from the European Social Fund, specific projects have been launched for women. Many of these projects give a prominent place to helping women re-enter the labour force, and to finding jobs for them in the traditional economic sectors.

- Several awareness campaigns have been carried out by the Minister of Employment and Labour responsible for Equal Opportunities Policy. The most recent one, undertaken in cooperation with the Equal Opportunities Council, concerned the sharing of tasks between men and women. This campaign involved placing posters on the sides of buses and trolley cars and distributing notices and topical postcards.

- Child care is an important aspect of efforts to reconcile working and family life. A number of initiatives have been launched in this regard.

- In another move aimed at helping women to re-enter the workforce, FOREM and its Equal Opportunities Network have set up a system of day care centres, known as "Maisons d'Enfants", in several cities of Wallonia and the metropolitan Brussels region. These are helping to meet the need for "emergency" child care of a kind that cannot always be provided through the conventional day-nursery system. This initiative makes it possible for job seekers either to take training courses or to accept a job offer promptly.

- As part of the campaign for "reconciling family and working life", a team from the FOREM Equal Opportunities Network has also established a training module in time and stress management, aimed at female job seekers.

<u>The right to work and to choose a vocation</u>

In this context, reference should first be made to the series of legal provisions (art. 10 of the Constitution, Title V of the economic restructuring law of 4 August 1978, relating to equal treatment of men and women, CCT no. 38 on recruiting and hiring workers, etc.) that were discussed under article 2 above.

These provisions guarantee equality in terms of access to employment (job offers, recruitment and selection), matters pertaining to vocational training (information for those seeking training, skills upgrading or vocational retraining and social development, etc.), job promotions, working conditions

(see the list cited in art. 128 (1) of Title V of the economic restructuring law of 4 August 1978) and conditions of dismissal.

Attention should also be drawn to affirmative action efforts in both the private and public sectors (see art. 4).

Physical hiring criteria for certain public sector jobs

Pursuant to the manual on "affirmative action in municipal police forces", and at the request of the Minister for Employment and Labour responsible for Equal Opportunities Policy, a study was conducted into the functioning of the Belgian police services and the obstacles posed for women entrants. In March 1995, the results of the study were published, including an in-depth analysis of the problem of physical selection criteria.

Article 13 of the law of 2 December 1957 on the gendarmerie, as amended by the law of 18 July 1991 on demilitarizing the gendarmerie, stipulates that by 31 December 1998 the gendarmerie must have a minimum of 40 female officers and 600 female constables below the grade of officer (for a total of 640 female members, or 4 per cent of the total).

Achieving this result required attention not only to the selection model (reducing the height standard, replacing the physical strength test with a test of potential, amending the recruitment system) but also to working conditions. To this end, a protocol was established amending the law governing the gendarmerie. The improved working conditions brought about by this protocol, such as provisions for parental leave and leave for child care during school vacations, apply to men as well as to women. Thus there is no discrimination between the sexes ("Women in the Belgian police services - functions and functional problems", study conducted by IPSOC[15], 1995, p. 38, 40, 41, cited above).

In a series of opinions (No. 7 of 24 May 1996 on women in the Belgian police services, No. 13 of 21 March 1997 on women in the armed forces, and No. 17 of 21 March 1997 on women in sports) the Equal Opportunities Council stressed the possibility for indirect discrimination in connection with "criteria relating to the physical aptitudes demanded of candidates" and the "criteria relating to physical tests to which candidates are subjected".

Night work

While the ban on night work contained in Belgian legislation applied equally to men and to women, exceptions to this ban differed significantly by sex. In light of the European directive 76/207 on equal treatment for men and women, this legislation was no longer tenable, and the European Commission threatened to take Belgium before the European Court of Justice over the matter. It also sent a formal letter to the Government asking it to amend the legislation.

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[15] IPSOC is a scientific research institute.

The Belgian Government acceded to the European Commission's request, based on a ruling of the European Court of Justice, by denouncing ILO Convention No. 89 on night work and ratifying ILO Convention No. 171 of 1990, which is intended to improve working conditions for all night workers.

Employers' and workers' organizations made several unsuccessful attempts to arrive at a negotiated agreement on the amendments to be introduced. In the lack of such an agreement, the Minister of Employment and Labour responsible for Equal Opportunities Policy laid a draft law before Parliament. This draft provides for full equality between men and women and therefore brings Belgian legislation into line with European directive 76/207. This was confirmed by the law of 17 February 1997 relating to night work (M.B. 8.04.1997).

The new night work rules, applicable essentially to private sector workers, retain the principle that night work (between 8 p.m. and 6 a.m.) is prohibited for men and women. The differences between men and women are eliminated, and henceforth three types of night-time activity are allowed:

1. Activities that by their nature must be performed at night. These are enumerated in a restrictive list (e.g. hotels, restaurants, entertainment and public games, newspaper publishers, information and travel agencies, gas, electricity and nuclear energy companies, health care facilities, pharmacies, radio and television, corner bakeries and pastry shops, education and boarding establishments, etc.). These relate for the most part to legal derogations that applied until now only to men, but that have been extended to women;

2. In cases where night work results from economic choice or necessity, rather than from the nature of the activity (shift work, work that must be performed continuously, industries where working materials deteriorate rapidly), it is permitted to employ night workers, with the proviso that a royal ordinance is to be issued upon the advice of the competent joint body. If such a royal ordinance is not obtained within six months following the recommendation by the joint body, the company may institute proceedings to introduce working roles that include night-time duty;

3. For all other branches of activity (or businesses) in which night work was not as yet necessary at the time this law was adopted, night work is only allowed if authorized by a royal ordinance issued upon the advice of the competent joint body.

The law also contains provisions for making the regime more flexible with respect to rest time and the employment of young workers.

In order to establish a working regime that includes night work, a specific procedure must be followed to ensure participation by interested parties or their representatives. In addition, men and women who will be employed in such night work may be entitled to additional benefits (night work premium, transportation allowances, etc.). New workers who were hired under the working regulations as they stood before the new legislation came into effect have the right to a trial period of three months during which they may familiarize themselves with night work, while being protected against dismissal if they choose to return to daytime work.

Meanwhile, the European Commission has dropped its proceedings against Belgium in light of these legal amendments.

Vocational training and employment

While in some cases female workers who wish, generally for family reasons, to find part-time work can still do so with the status of indeterminate employees, there are many who accept part-time jobs with no such contractual protection (term contracts, temporary replacement of persons on leave) because there is an insufficient supply of full-time work.

In this respect, many companies (particularly in the tertiary sector) have instituted part-time work as a response to business cycle fluctuations. This allows them to absorb changes in their personnel requirements by increasing or reducing the number of hours worked, without having to resort to layoffs. By contrast, in sectors where part-time work is non-existent or rare, businesses often respond to cyclical fluctuations by unleashing waves of layoffs and relying on overtime by full-time workers, a situation that can lead to higher levels of unemployment.

In the Flemish Community

The Vlaamse Overlegcommissie Vrouwen (VOV) published a report in September 1997 on the labour market situation facing girls and women with little or no qualifications, and suggesting some areas for future consideration. There still remain a number of measures that could be taken by both the public authorities and employers on behalf of this target group.

In Flanders, one-half of female employees work in the three broad areas of the public sector (administration, health, education), and 30.5 per cent are engaged in public services. Relatively few women work in industry or the construction sector.

Part-time work. The proportion of women employed in part-time positions is growing. In part, this reflects the behaviour of the female labour force (family duties), but it also betrays a pattern of segregation in the labour market itself. Men and women work in different industries and occupations. There are more part-time jobs available in the industries and occupations where women are most heavily concentrated.

In 1994, the Flemish Government took two steps toward the redistribution of work. As a result, supplementary bonuses are now provided to people who interrupt their career or who work part-time. It remains an open question as to whether such measures are in fact of benefit to women. It has been estimated that in 95 per cent of cases these career interruption bonuses are requested by women who leave work to look after their children.

In 1996-1997 the Flemish minister responsible for equal opportunities policy had a study conducted on the distribution of household tasks. The study found that for women, work is still an important lever for their emancipation, and that the distribution of household tasks is a variable factor. Among the younger age groups, household duties are shared more equally between the

partners, but once there are children in the family, it is virtually automatic for the woman to take over the bulk of household work. Less store is placed on women's careers than on those of their husbands. Women are thus more likely to resort to part-time work or simply to interrupt their careers, even though this undermines their longer-term prospects for emancipation.

In the French-speaking Community (Wallonia and the Brussels region)

As part of the vocational training programme for male and female job seekers, the FOREM Equal Opportunities Network has in recent years undertaken a number of projects to provide greater equality of access to information, guidance, training, employment and support services. Special attention has been devoted to information and sensitization activities for job seekers, for employers, for employers' federations and workers' organizations involved in FOREM's work. FOREM is currently providing equal opportunities training for employment counsellors and training personnel.

In the context of NOW projects, the French-speaking Community has supported and cooperated in projects for:

- Job creation by and for women;
- Training in the area of multimedia and new information technologies;
- Training focused on diversifying career options into areas where jobs are most available.

Pay equity

Reference may be made here to Collective Labour Agreement No. 25 of 15 October 1975 of the National Labour Council, dealing with equal pay, and the obligation imposed on employers, pursuant to the law of 4 August 1978, to ensure equality of treatment between men and women, particularly with respect to the terms and conditions of employment. It has been found, nevertheless, that average female salaries are still lower than the average for men (between 25 and 30 per cent lower in industry, depending on whether the person in question is a wage earner or a salaried employee).

Aware of the efforts that must be made in order to achieve true pay equity, Belgium hosted a European seminar on 25 and 26 October 1993, during its last presidency of the European Union. The purpose of the seminar was to discuss the issue of equal pay and to identify the factors behind the indirect discrimination that can be observed in labour statistics for all member countries. This seminar paved the way for preparation of a "code of good conduct" for putting pay equity into practice among the various members of the European Union.

In May and June 1995, at the initiative of the Minister of Employment and Labour responsible for Equal Opportunity Policy, a code of good conduct was drawn up with the view to achieving equal pay for work of equal value. This code was designed as a guide for the awareness of negotiators in the various economic sectors. It contains a number of directives for eliminating the risks

of unequal treatment as between men and women during the process of classifying job functions, and thus avoiding any discrimination based on sex.

In late 1995, the Minister requested the Equal Opportunities Council, an advisory body, to prepare and publish an opinion on pay equity, in preparation for a campaign to make employers' and workers' organizations aware of the need for non-discriminatory occupational classifications, as part of preparatory work for the next inter-professional negotiations covering the private sector as a whole. The goal was to shed light on the entire problem, in terms both of job classification and job evaluation (at the company and industry level), and of ways to enforce the principle of equal pay (the role of the Social Law Inspector's Office, labour auditors, the courts, etc.). The council issued its opinion No. 8 on 24 May 1996 (see Annex 18).

On 26 June 1996, a "study day" was organized on the theme of "equal work, equal pay". The purpose was to examine ministry policy in the area of equal pay (and job evaluation). Apart from its sensitization aspect, the event also had as its goal to encourage legislative action (equal treatment in the area of occupational classification, more information for individual workers regarding the various elements of their pay package, etc.) and to develop a training module on job evaluation and equal opportunities (available since January 1997). The target group for this study day included employers' and workers' organizations, management schools, and women's organizations.

During a press conference, the legislative initiatives and the training module were presented to the public. A media campaign was also launched (see brochure and posters entitled "Le salaire que vous méritez", or "The Pay You Deserve", in Annex 19).

As part of this project, a seminar with the same title was held on 5 and 6 June 1997. It brought together Belgian, Irish and Dutch experts on the issue of equal pay for equal work between men and women (primarily in the area of job classification), with a view to examining various elements of interest in their different national systems. The seminar also considered the question of whether these elements might be introduced into the Belgian system, and arrangements were made for exchanging further ideas among these countries.

Article 127 of the law of 4 August 1978 on economic restructuring stipulates that "workers must receive equal treatment with respect to all provisions and practices concerning the conditions of employment and dismissal". The royal ordinance of 19 December 1996 (M.B. 31.12.1996) was intended to supplement article 128 (1), which lists the issues to which the conditions of work cited in article 127 may refer, by adding mention of "occupational classification". Companies or industries that are now working with an occupational classification system or that intend to introduce such a system must comply with this provision. Failure to respect article 127 is punishable by law (art. 141 (3) of the same law).

The term "occupational classification" introduces a new notion into Belgian jurisprudence. This notion is broader than those of "work classification" or "job classification" or "job evaluation", as they are cited in both European and national legislation on equal pay for male and female workers. While the latter

terms relate solely to the issue of pay, the new objective is that all forms of occupational classification relating to the conditions of employment in the sense of article 127 of the law of 4 August 1978, i.e. including those that are not related to training and salary differentiation, should be covered by these terms (for example, with respect to vocational guidance and career counselling).

Generally speaking, workers themselves are not very familiar with the classification system that applies to them, and still less with other pay systems that may be in use within their company or industry. It is difficult for them to obtain information on the subject. To deal with this problem, a draft royal ordinance has been prepared as a supplement to labour regulations: it would require a company to provide an overview of the classification on which a person's wage and other elements of pay are based, as an annex to its work regulations. This draft is currently under discussion within the National Labour Council.

The Equal Opportunities Prize for Business

Beginning in 1998, the Ministry of Employment and Labour, the "Vlaams Centrum voor Kwaliteitszorg" and the "Association Wallonne pour la gestion de la Qualité" (Walloon Association for Quality Management) will be recognizing the criterion of equal opportunity contained in the newly revised model of the European Foundation for Quality Management, through an "Equality Award" for achievements in the area of equal opportunities. To be considered for this award, a company must be committed and active in making progress towards equal opportunity. To this effect, employers may use a checklist with a number of equal opportunity indicators in order to assess the position of their company. This list will also allow them to identify critical points that need improvement. On 4 July 1997, the Minister announced the winners of the first "Equality Award 1997".

The Right to Social Security

The Belgian social security system is comprehensive and is intended to provide social protection to the entire population. This report covers only the most important amendments that have been made to that system since 1989.

Retirement pensions

On 1 July 1997, reforms to the employee pension regime came into effect. Its essential thrust was to ensure equality of treatment between men and women.

The retirement age for women is being progressively raised, and by 2009 will be the same as that for men, i.e. 65 years. Similarly, the length of time to full service is being progressively aligned with that for men, i.e. 45 years.

Under this new system, employees will still be able to take their pension "early", beginning at age 60, provided they meet the minimum length-of-service condition, which is set at 20 years in 1997 and rises progressively to 35 years in 2005.

In addition, the eligibility age limit with respect to female beneficiaries for unemployment and disability support is being progressively raised to a uniform age of 65 years, at the same pace as the retirement age increase noted above.

The age of access to the guaranteed income programme for the elderly is also equalized for men and women at 65 years. The eligibility age limit for women is being progressively raised from 61 years (as of 1 July 1997) to 65 years (as of 1 January 2009), under a transitional regime analogous to that for pensions, with full maintenance of acquired rights.

The reform introduces compensation measures to overcome the de facto inequities that women face in terms of employment and pay, including the following:

- The guarantee of a minimum pension entitlement for each year of service is granted under certain conditions;

- Periods of service interruption for purposes of raising a child under 6 years of age will be taken into consideration (to a maximum of 36 full months) in calculating the service time required for taking early retirement.

2. Preventing discrimination by reason of marriage or maternity

On the basis of European legislation (directive 76/207) and national legislation (Title V of the law of 4 August 1978) on equal treatment for men and women, any direct discrimination by reference to sex, and any indirect discrimination by reference to family situation or civil status, is prohibited. This prohibition applies equally to the private and the public sector (see art. 2).

It is thus prohibited to make any reference to a worker's sex or to include any elements that, while not referring explicitly to the worker's sex, could lead to discrimination. This prohibition applies to job offers, eligibility conditions, hiring and selection criteria for jobs or functions. Consequently, it is prohibited to reject a job candidate on the grounds of pregnancy (bearing in mind that only women can be pregnant).

In no case may the fact that a women is pregnant, or intends to have children, be considered as a selection criterion. Employers are not allowed even to question a candidate on this subject or have it raised with her. (There are laws on this point at both the European and the Belgian level.)

Nevertheless, there is an exception to the principle of equal treatment, in that job offers relating to certain activities or employment are prohibited for women, on the basis of the labour law of 16 March 1971, as are those occupations listed in the royal ordinance of 24 December 1968 on the employment of women. These regulatory provisions are intended essentially to protect female workers - including pregnant workers - by prohibiting them from engaging in certain kinds of work that could endanger their health or safety.

A pregnant woman enjoys protection against dismissal from the moment she informs her employer of her pregnancy until one month after the end of her maternity leave. During this time, she may be dismissed only for reasons unrelated to her physical state. The burden of proof in such cases is upon the employer. If it is apparent that the grounds invoked for dismissal are insufficient, or that they are related to pregnancy, the employer must pay an immediate indemnity for the dismissal, in addition to the ordinary separation allowance.

The new legislation accords a woman the right to demand that the employer give her written justification for her dismissal. In addition, the amount of the dismissal indemnity has been increased from 3 months' to 6 months' gross pay (i.e. to the level of the penalty for unjust dismissal).

The law of 22 December 1989 (M.B., 30 December 1989) introduces specific maternity insurance, whereby any woman on maternity leave is entitled to an allowance, and pregnancy is no longer considered a work disability as it was in the past. The former system had the unwanted effect of making it virtually impossible for a pregnant woman to be employed, since her employer was required to guarantee her full pay during all or part of the first month of leave, depending on whether the person in question was a salaried employee or a manual worker. It was only after this period that the sickness and disability insurance system stepped in to pay compensation.

The protection of working women was also reinforced by article 42 (1:4) of the law of 16 March 1971 (amended by the law of 3 April 1995, pursuant to directive 92/85), which requires that, upon her return from maternity leave, a woman must be reinstated in her employment under the same conditions as before.

A female employee is entitled to 15 weeks of paid maternity leave, including 9 weeks mandatory leave (1 week before and 8 weeks after childbirth) and 6 weeks optional leave (which may be taken either before or after childbirth).

The social security law of 29 December 1990 (M.B., 9 January 1991) makes it possible for the father to take the remainder of childbirth leave in place of the mother, in the event of the death of the mother or hospitalization of the mother and child.

This leave provision was introduced by royal ordinance of 5 August 1991, and the royal ordinance of 25 July 1994 provides for payment of an allowance to the father when maternity leave is converted into paternity leave. This system applies to all fathers who are employed, drawing unemployment benefits, or receiving a disability allowance.

As of 1 January 1998, pursuant to Convention No. 64 of the National Labour Council (end April 1997), male and female employees will be entitled to three months of parental leave for the birth or adoption of a child. This collective labour agreement thus implements the framework convention agreed at the European level in late 1995 (directive 96/34).

Parental leave may be taken at any time from the date of birth or adoption until the child reaches the age of 4 years (or 8 years in the case of a handicapped child). The leave does not have to be taken all at once: it may be spread out (with the consent of the employer), for example by working part-time for a certain period or by splitting the periods/days of leave. The regulations governing allowances (monthly allowance) have still to be prepared.

At the end of parental leave, employees must be reinstated in their previous job or in a position that is at least equivalent.

Child care

This is a matter of Community responsibility. There are many available options in Belgium:

- public babysitting services;
- private babysitting services;
- nurseries and "minicrèches";
- private day care centres;
- public day care centres ("Maisons d'Enfants").

Some of these services are fully or partially subsidized by the Communities. They take children from birth to 3 years.

Despite these possibilities, however, it must be noted that existing day care facilities are not keeping up with demand, despite a significant increase in their capacity. Moreover, the system is facing a number of new demands: caring for sick children, providing extra- or parascholastic support, taking children outside normal hours.

The issue is currently the focus of a broad community debate. A number of evaluations have been conducted, and the role of child care facilities is likely to undergo changes that will be dealt with in the next report.

Special protection for pregnant employees

On 12 June 1989, the Council of the European Communities adopted directive 89/391 on measures to encourage improvements in the safety and health of workers at work. A series of subsequent directives related to specific areas. Thus, directive 89/654 of 30 September 1989 deals with minimum safety and health requirements for the workplace. One of these provisions requires that "Pregnant women and nursing mothers must be able to lie down to rest in appropriate conditions". These directives are valid for both the public and private sectors, and must be translated into national legislation by 31 December 1992, as was done by the royal ordinance of 14 September 1992.

Even greater protection is accorded to pregnant women by the law of 3 April 1995, amending certain provisions concerning the protection of

maternity, and by the law of 3 April 1995 amending the labour law of 16 March 1971 as it relates to the protection of maternity. By these means, Belgian regulations were brought into line with European directive 92/85 of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant women and those who have recently given birth or are breastfeeding. As well, elements concerning the protection of maternity from ILO Convention No. 171 of 26 June 1990 have been incorporated into Belgian law.

Principal modifications:

- A pregnant worker has the right to be absent from work, with full pay, for any time needed for prenatal medical examinations that cannot be performed outside working hours. To be eligible for such remuneration, the worker must give her employer advance notice of her absence. In addition, the worker must provide a medicate certificate justifying her absence, in cases where this is required by the collective agreement or the employer so requests;

- The principle of risk assessment: the employer must assess all the inherent risks to pregnant workers that might arise from exposure to certain agents or procedures or from certain working conditions. The employer must estimate the nature, intensity and duration of these risks and propose measures to reduce them, with the help of the company physician. The law contains an indicative, non-limiting list of potential risks.

Pregnant workers must be informed of the results of this risk assessment and of the measures proposed. Whenever it is determined that a given activity carries with it a certain risk to the health of the worker or her child, specific measures must be taken. These may be of three kinds:

- A temporary change to working conditions or working hours of potential risk to the worker concerned;

- Assigning the worker to another job, compatible with her state;

- Suspension of performance under the labour contract (excused from work).

Individual measures are always taken after consultation with the company physician. A distinction is made, however, between prohibited occupations and others. If the occupations concerned are included in the list of prohibited occupations, steps must be taken immediately; otherwise, the opinion of the company physician may be sought first. The worker must undergo a medical examination, no later than eight days after her return to work, in order to determine whether the measures must be continued.

The risk assessment procedure and the information to be provided are governed by the royal ordinance of 2 May 1995 on the protection of maternity.

Despite the law of 22 December 1989, which established the system of maternity insurance, there remained a degree of discrimination with respect to pregnant women or those who had recently given birth or were breastfeeding, with respect to the sickness and disability regulations. A pregnant or nursing worker who had been excused from all work because of the risk to her health or that of her child, or in order to remove her from night work, and who was not eligible for assistance under the Occupational Illnesses Fund, was presumed to be 66 per cent incapacitated, and was thus entitled to health and disability insurance benefits, a situation that prevailed throughout her pregnancy and reoccurred if she subsequently nursed her baby and had once again to be excused from work. If, at the end of this period, the woman was sick and applied for primary disability benefits, the rules of the system regarded her as having been disabled for more than one year and she thereupon was classified as "disabled", which worked to her disadvantage (lower benefits) if she was registered as having no dependents.

In cooperation with the Comité de Liaison des Femmes and the Vrouwen Overleg Komitee, the Equal Opportunities Council wrote to the Federal Minister of Social Affairs in February 1996, drawing his attention to this discriminatory feature. During the month of April 1996, a draft law was submitted to Parliament on the issue. Henceforth, the protection eligibility period for a worker who is pregnant, or who has recently given birth or is breastfeeding, is also considered as a maternity protection period. The worker is entitled to a maternity allowance. The maternity protection period also suspends the working disability period. These amendments were introduced by the law of 4 August 1996 (M.B., 26.09.1996) to the compulsory health insurance law of 14 July 1994.

Article 12

As noted in Belgium's second CEDAW report, there is no discrimination between men and women as regards access to health care.

Moreover, special maternity and disability provisions have been made for the protection of a wife working for her husband (see the second report, and the portion of this report relating to art. 11).

In the German-speaking Community, the "Dienst für Kind und Familie (DKF", the "Child and Family Service") and the "Fonds zum Schutz des ungeborenen Lebens" ("Fund for Protection of the Unborn") provide close support for pregnant women and those who have recently given childbirth. These services are fully accessible to the public.

In the Flemish Community, the Health Care Administration follows the Beijing action platform (1995) in implementing the provisions of article 12 of CEDAW. It conducts systematic surveys to ensure that Flemish preventive health programmes and those of the "Gezondheidsvoorlichtingen en opvoeding" are consistent with and supportive of the Beijing directives. The Vlaams Instituut voor Gezondheidspromotie has special responsibility in this area.

A preventive health congress was held in the spring of 1997, during which a number of issues were aired relating to women's access to appropriate, affordable, high-quality health care, and surveying and disseminating

information on women's health. In the wake of that congress, it is expected that concrete actions will be taken in the near future, and these will be covered in a future report.

The "Contraception and Sexuality" project, a joint initiative of the general medical practitioners' profession, was launched in July 1991. Since that time, it has been supported and funded by the Flemish Community. The VHI (Vlaamse Huisartsen Instituut) and the VHNI (Vlaamse Huisartsen Navormingsinstituut) have been tasked with developing and coordinating this project through their own organizations.

The committee of experts for the project has set out a series of concrete objectives, several of which relate to implementation of article 12 of CEDAW.

Finding: only 14 per cent of Flemish women consult their family doctor about contraception.
Action proposed: to encourage Flemish women to discuss contraception issues with their family doctor.

Finding: little is known about the way patients are directed to facilities for terminating pregnancies.
Action proposed: to improve the quality of attention for women seeking an abortion.

Action proposed: to make contact with women who already have children, as an at-risk group in terms of unwanted pregnancies, and pass to them the message that their family doctor can advise them on contraception.

These objectives are currently being worked on actively, as part of an action plan.

Since 1993, the Vlaamse Advies Commissie voor Kankerpreventie (VACK) has been funding projects for the secondary prevention of cancer, aimed primarily at detecting breast cancers by means of mammography examinations performed every two years on women between the ages of 50 and 69 years. Recent years have seen a drop in the mortality rate from breast cancer among this age group.

Since 1995, five Flemish provinces have had in place a cervical cancer detection programme. The ultimate objective of the programme is to achieve a reduction of 15 to 20 per cent in the mortality rate from this disease.

The French-speaking Community, which is responsible for health promotion activities, has been developing preventive medicine and health education policies through an ongoing dialogue among doctors, health professionals, field workers and the public at large. Health education in the French-speaking Community involves individuals, organizations, accredited public agencies in general and "relay" workers in particular (cultural and sports figures, teachers and health professionals). There are no specific actions directed exclusively at women as a disadvantaged target group. The activities listed below, however, all relate to health problems that affect women.

A number of community health pilot projects have been undertaken recently among the immigrant population. These focus on the "health relay" role that immigrant women can play locally within their communities (among relatives, neighbours).

The following services have been accredited:

"Femmes prévoyantes socialistes"

- hosting "wellness" workshops: stress management, light gymnastics, diet, nutrition;
- practical information on mental health education;
- training community education workers.

"Vie Féminine"

- design and distribution of training tools for low-income women. This training focuses on improving knowledge of bodily functions, in an effort to make every woman capable of serving as a "health relay" in her family and social surroundings.

In terms of addressing issues of specific concern to women, the following accredited services should be noted:

Coordination Committee on Alcohol and Other Drugs

This service maintains a series of local centres and resource persons in the different walks of life: family, school, work, leisure. It organizes addiction awareness and prevention campaigns.

FARES (Foundation for Respiratory Infections and Health Education)

This foundation is devoted to fighting tobacco use. It holds an annual information day on the hazards of tobacco.

Educa Santé

This association is the focal point for efforts at domestic accident prevention.

Cooperative Centre on Consumption

This centre undertakes activities to promote the rational and proper use of medications and drugs.

All of these accredited services are coordinated by the Permanent Health Education Unit, which is responsible for recommending priorities to the Minister and for providing opinions on funding proposals for action and research programmes. Geographic coordination is the task of 10 local coordination committees that also gather information and identify local needs.

These accredited services have by no means a monopoly in terms of health education. In 1991 there were 541 groups or agencies active in this area. Some are funded under the permanent education programme. Most, however, rely largely on membership fees. Still others issue appeals for private support. Thus, the official health education budget of the French-speaking Community (BF 120 million in 1991) represents only a portion of the resources devoted to health education by all public and private agencies.

The French-speaking Community also has more than 100 aid and information centres dealing with sex, marital and family issues, most of which are funded by the public authorities. To raise public awareness of its family planning centres, the French-speaking Community has published a brochure entitled "Grossesse en question" ("Focus on pregnancy") (see annex 20).

The Office de la naissance et de l'enfance (Office of childbirth and infancy) offers free medical examinations and vaccinations for nursing infants.

Finally, there is the important role played by the school medical system in detecting disease, performing vaccinations and providing information on contraception.

Promoting cancer detection

A consensus was reached in 1992 for making recommendations to doctors on this matter. The report, which took the form of operational conclusions, was unanimously endorsed by the Community Advisory Council on Preventive health (established in 1982).

Breast cancer

This is the most common form of cancer among women. It is estimated that 7 women in 100 will be afflicted, and 4 of them will die of it. More than 5,000 new cases are detected each year in Belgium, and 75 per cent of the victims are over 50 years of age. Chances for cure are high if, upon detection, the tumour has not metasticized. Early diagnosis, through systematic detection, is thus crucial.

Cervical cancer

Some studies have predicted an increase in mortality from this type of cancer. In Belgium, more than 800 new cases are detected each year. Cervical cancer currently accounts for between 2.1 and 4.3 per cent of all deaths from cancer. Systematic Pap smear testing is an effective way to reduce mortality from this disease.

Breast cancer detection projects:	FB 2,500,000
Grants primarily for feminine cancer prevention (breast, cervix):	FB 20,000,000
Cancer research: study on hereditary forms of breast cancer:	FB 1,500,000

In 1997, as part of the European Women's Cancer Prevention Week, the French-speaking Community supported a number of detection initiatives by cancer leagues and associations, and donated free radio and TV time on the French-speaking networks for a broad information campaign.

Osteoporosis

This is now considered to be the most common debilitating disease afflicting women, but its progression can be halted or controlled by following simple medical procedures after menopause. Efforts to make women, and the medical profession, more aware of this condition are conducted primarily by means of broad-based campaigns about the problems associated with aging.

In 1997, however, the French-speaking Community funded a televised campaign focusing specifically on the prevention of osteoporosis.

Abortion

A law decriminalizing voluntary abortion (IVG) was adopted on 3 April 1990 (M.B., 5.04.90).

It should be noted, however, that adoption of this law was accompanied by a series of preventive measures intended to avoid recourse to voluntary abortion. Information about contraception and psychological counselling are offered by family planning clinics and the Mental Health Centres. The school medical services play a similar role among adolescents.

The law of 3 April 1990 represents a compromise between differing points of view, one that might be summarized as follows: on one hand, protecting the potential for life and on the other hand, protecting the woman's right to make her own decision.

Pregnant women in distress are recognized as having the right to decide themselves on whether to terminate their pregnancy.

In effect, this law means that, under certain conditions, abortion is no longer a crime. The new article 350 of the Criminal Code stipulates that any abortion must take place before the end of the twelfth week after conception. At the end of this 12 week period, a pregnancy may only be terminated if the health of the woman is gravely endangered or if it is certain that the child will be born with a particularly severe affliction that is recognized as incurable at the time of diagnosis. In the latter case, the conditions for determining the legality of the abortion are stricter and must be objectively verified.

In order to assess application of the provisions regarding voluntary abortion, the law of 13 August 1990 set up a national commission to evaluate the law of 3 April 1990. The last report of that commission was presented to Parliament in August 1996, covering the period from 1 January 1994 to 31 December 1995 (see Annex 21).

Article 13

The right to family benefits

As noted in the previous Belgian report, there is no discrimination between men and women in this area.

Obtaining loans and credit

In Belgium, as elsewhere, financial institutions such as banks and others will normally assess the creditworthiness of their clients before agreeing to lend them money. A person's own financial situation and that of his or her spouse, as well as the person's family situation, are unquestionably important elements for judging an applicant's financial stability and solvency.

Financial institutions, however, are normally expected to apply the same rules to all their clients, whether they are men or women.

Sports

Responsibility for sports promotion has been devolved to the Communities.

In the Flemish Community, all sporting activities are open to both sexes, and no individual can be excluded from any sports discipline on the basis of sex. In education and training as well, there is total equality between men and women, and boys and girls have the same opportunities to participate in sports, in physical education and in leisure activities.

For biological reasons, however, competitive sports teams are composed exclusively of males or females.

Over the last few years, it has been noted that sports participation by girls between 12 and 18 years of age has declined sharply, and a number of surveys have shown that sporting activity is very low among Islamic girls. This is why, under the campaign conducted by BLOSO (a Flemish sports agency) for promoting sport among youth (girls and boys between 12 and 18 years), specific attention is now being paid to the involvement of immigrant girls.

Since 1993, BLOSO, in cooperation with the Nationaal Overleg Meisjeswerkingen, has been hosting an annual national sports day for immigrant girls. The 1994 and 1995 events were open to Flemish girls as well, at the request of the immigrant girls themselves. Most of the participants were immigrants, but about a third were Flemish girls who had been invited through youth organizations and BLOSO.

Of the total number (1,015,127) of insured sporting club members in Flanders, 618,132 are men and 396,995 are women. It is clear, then, that women are still not participating as actively as men in organized sports in Flanders.

With respect to participation in sports camps run by BLOSO, the proportion of females is somewhat higher, but has not yet reached parity with males (7,052 boys versus 5,710 girls in 1997).

In the French-speaking Community, 66 per cent of young people claim to practice a sport apart from school activities. Another 16 per cent have never done so, and 17 per cent have given up sports. Most young people in the French-speaking Community do not restrict themselves to one sport alone: 60 per cent are active in at least two sports. The older a person is, the more likely he or she is to engage in at least two sports.

Girls and boys do not engage in sports in the same way. Thus, of every 100 young people who play a sport regularly, 47 are girls and 53 are boys. Among those who have never played a sport, 65 per cent are girls and 35 per cent are boys. Sports dropouts are divided as follows: 60 per cent girls, and 40 per cent boys.

Girls, then, are less likely than boys to engage in sports: 3/4 of boys play sports, while only 3/5 of girls do so.

Among girls, 63 per cent play at least one sport, but very few do so through school: only 3 per cent say that they began to play a sport thanks to a physical education programme.

There is no female sports federation as such. Sports receive financial support depending on the discipline.

After the age of 30 years, 41 per cent of women engage in sports, compared with 50 per cent of men. The competitive and play aspect of sports is much less pronounced among women than among men. If we look at disciplines in which women over 30 are in a strong majority, we find that these are mainly of the "fitness" variety. Women are greatly under-represented in team sports, where they are in the majority only for handball, a game that is generally not very widely played. With respect to dropping out of sports, the record for the two sexes is very similar. Men and women, however, do not give up sports at the same age. For men, the highest dropout rate comes between 30 and 39 years, while women keep on until they are in their 70s.

Article 14

As noted previously in Belgium's second report, women in rural areas enjoy the same rights, services and welfare provisions as all Belgian citizens.

In the German-speaking Community, rural women, and particularly those involved in farming, have their own organization, known as AGRA- women, which provides training for female farm workers.

In the case of husbands or wives working for their spouses ("spousal helpers") in Belgium, men and women are on an identical footing. All the rules described below are therefore applicable equally to men and women.

In this respect, it should be noted that, pursuant to article 7 (1) of royal ordinance no. 38 of 27 July 1967, spousal helpers are not required to register for independent worker status. Consequently there is no firm census of such workers, and no statistics are available on their number or on the activities in which they are engaged.

With respect to social security, spousal helpers are eligible for a number of social benefits by derivative right.

In the case of old age security, for example, when the husband of a spousal helper receives his pension benefit, it is paid in the name of both the husband and his wife, at a "household" rate rather than the lower "single" rate. The amount of the pension is calculated on the basis of the husband's occupation and earnings.

In the case of legal or de facto separation, the retirement pension may still be calculated at the "household" rate, as if they were cohabiting. The wife may claim a portion of this pension if the couple is officially separated.

In the event of divorce, the ex-wife may also claim a retirement pension, based on her ex-husband's work, as a supplement to any pension in which she herself may be entitled.

The retirement pension paid to a divorced person is calculated on the basis of the former spouse's occupational earnings during the time they were married.

In the event of the death of her husband, a spousal helper may claim pension survivorship rights as successor to the independent working activity conducted by her deceased husband.

It should be added that, in the case of remarriage, the woman loses her pension survivorship rights. In addition, if the wife has been married more than once and all of her husbands are deceased, she may claim only one (the most advantageous) pension survivorship right.

Legal or de facto separation is not an obstacle to payment of a survivor pension.

When it comes to health care, a woman working for her husband is eligible for sickness insurance as a dependent of her husband.

Thus it is not necessary to take out voluntary insurance in order to be assured of health care protection in case of illness.

On the other hand, worker disability allowances are treated differently: in this case, eligibility is dependent upon whether voluntary insurance has been arranged.

This voluntary insurance for spousal helpers was introduced by the law of 14 December 1989 and by the royal ordinance of 24 January 1990, and has been in force since 1990.

Annex 22 contains a table summarizing data on this insurance system for the period 1990 to 1996.

As of 31 December 1996, 4,480 women were registered as spousal helpers in this voluntary disability insurance programme.

Since there are no data available on the number of women working for their husbands, it is impossible to determine the percentage of those who are voluntarily insured.

Article 15

With respect to article 15, there is no discrimination of any kind in Belgium.

Article 16

Dissolution of marriage

As regards the dissolution of marriage, attention should be drawn to the position of the Belgian State on recognition of repudiation under certain conditions.

The relatively high number of Muslims living in Belgium means that the Belgian authorities are frequently called upon to give a decision on their civil status, and specifically on recognition of repudiations that they may invoke.

The repudiation procedure formalizes the unilateral intention of the man - the husband - to dissolve the marriage and to put an end to the marital relationship. (There is also a form of repudiation where the wife may take the initiative, if the husband has violated his commitment of monogamy, and a form of repudiation with compensation.)

The position of the Belgian State is set out in three circulars from the Ministry of Justice of 27 June 1978, 13 March 1980 and 27 April 1994.

Repudiation may be recognized in Belgium without exequatur, under the same conditions as divorce (pursuant to art. 570 of the Belgian Judicial code). It may only be recognized, however, if all of the following five conditions are met:

- It must be consistent with the personal status of both spouses, and must not contain any provision contrary to Belgium's international commitments. If one of the spouses has dual nationality and is thus a Belgian citizen, that person will be considered within Belgium to be a Belgian, pursuant to article 3 of the Hague Convention of 12 April 1930. In this case, repudiation will not be recognized in Belgium;

- The right of defence must be respected in this specific procedure (Cass. ch. 3, 11 December 1995, RTDF, 1995, 165);

- The repudiation must be declared before a competent authority in order for the marriage to be dissolved in this way. No difficulty arises when the declaration is made before a local authority of the country of origin of the two spouses. If it is made before an authority of another country, it may not be recognized in Belgium if that authority is competent only by reasons of the nationality of the plaintiff. If

it is made before a diplomatic or consular authority, it may not be admitted unless the State to which that authority is accredited has accorded it the competence to dissolve marriage by repudiation. Moreover, the interested party must submit proof of this competence. Thus, repudiation will not be recognized if it is declared before a consular or diplomatic authority in Belgium, where the courts and tribunals alone are competent to dissolve marriage;

- The repudiation must be definitive;

- The documented evidence must meet all necessary conditions as to its authenticity.

Verification of these conditions is the responsibility of the civil status official, who may consult the crown procurator.

Belgian legislation with respect to family name and filiation

In Belgian law, family name is a consequence of filiation, which must be consulted in order to determine a person's name. That name is fixed in a person's birth certificate, which records the family name of the mother (which requires establishing maternal filiation) and the family name of the father, if paternal filiation is established. Paternal filiation in the case of marriage flows from the presumption in article 315 of the Civil Code.

When paternal and maternal filiation are established simultaneously, the child bears the name of its father (art. 335 (1) of the Civil Code). If paternal filiation results from recognition of the child by a man married to a woman other than the mother, the child bears the name of its mother (art. 335 (1)). If paternal filiation is determined later than the maternal filiation, the child bears the name of its mother (art. 335 (3)), unless the father and mother jointly - or one of them, if the other is deceased - make a declaration before a civil status official. If the father is deceased, or during his marriage, that declaration may not be made without the consent of the spouse to whom the father was married at the time filiation was established (art. 335 (3:2)). The declaration must be made within one year following the day on which the declarers became aware of the establishment of filiation, and before the child attains its age of majority or emancipation (art. 335 (3:3)).

The official designation of a person by family name is a measure taken in the interest of society and that of the individual.

The fixing of a family name is essential to proper civil status and the maintenance of social order. Hence, no citizen may bear a family or given name other than those recorded in his or her birth certificate (Decree of 6 Fructidor Year II). In addition, the law of 15 May 1987 governing family and given names and changes thereto reinforces, in article 3, the rule for determining a name, which may only be changed in exceptional circumstances through an application based on substantive reasons, and provided that the name requested does not lead to confusion or cause injury to the applicant or to third parties.

The present regime governing children's names, however, is increasingly coming to be regarded as discriminatory with respect to women. A number of parliamentary initiatives have in fact been introduced on this matter, and several advisory bodies have rendered opinions on it.

LIST OF ABBREVIATIONS

A.R.	Arrêté royal (Royal ordinance)
A.M.	Arrêté ministériel (Ministerial ordinance)
A.S.B.L.	Association sans but lucratif (Non-profit association)
B.R.T.N.	Flemish-language radio and television
C.C.T.	Convention collective de travail (Collective labour agreement)
C.P.A.S.	Centre public d'aide sociale (Public social assistance centre)
C.N.B.	Code de la nationalité belge (Belgian Nationality Code)
FOREM	Office communautaire et régional de la formation professionnelle et de l'emploi (Community and regional office for vocational training and employment)
M.B.	Moniteur belge ("Belgian Monitor", the official gazette of Belgium)
O.N.E.	Office de la naissance et de l'enfance (Office of Childbirth and Infancy)
ONEm	Office national de l'emploi (National Employment Office)
NGO	Non-governmental organization
ORBEM	Office régional bruxellois de l'emploi (Brussels Regional Employment Office)
R.T.B.F.	French-language radio and television
S.A.S.	Set Agression Sexuelle (Sexual Aggression Pack)
U.I.A.	University Institute of Antwerp
V.D.A.B	Flemish employment and vocational training service
V.O.V.	Flemish women's liaison commission

LIST OF ANNEXES*

1. Reports to Parliament from the Minister responsible for Equal Opportunities Policy on implementation of the resolutions of the Beijing World Conference on Women, December 1996 and December 1997.

2. Report of the Flemish Parliament in follow-up to the Beijing resolutions, December 1997.

3. Activities Report of the Council on Equal Opportunities, September 1993-October 1997.

4. Study on "Women's invisibility in Belgian statistics" (I and II), 1997.

5. Guide to the feminization of occupations, functions, grades and titles.

6. "Equality between men and women - basic documentation", January 1998 edition.

7. Leaflet from the Federal Equal Opportunities Service - List of federal publications relating to equality between men and women.

8. Leaflet of the Council on Equal Opportunities.

9. "Equal Opportunities in Flanders" - 1998 Budget.

10. Affirmative action:

- "Practical guide to affirmative action in business", 1988
- "Affirmative action in public services", 1990
- "A municipal policy for emancipation in practice", 1994
- "Keys for negotiating affirmative action plans", 1996.

11. Opinion No. 1 of 27 June 1994 of the Council on Equal Opportunities with respect to reconciling family and working life.

12. Opinion No. 141 on the image and status of women through television, Senior Audiovisual Council - French-speaking Community, December 1992.

13. Leaflet on "Violence against women and children".

14. Brochure on "Financial assistance for victims of deliberate violence", Ministry of Justice, 1997.

15. "Report on human trafficking and discussion in Parliament"

16. Leaflet, "There are lots of opinions about women"
Leaflet, "Without women, your organization's potential is cut in half".

16(b). Education in the French-speaking Community:

1. "The Education System in Belgium's French-speaking Community" - Ministry of Education, Research and Training, Brussels, 1996.

2. "General Statistics on Education and Training. Annual report 1994-1995" - Ministry of the French-speaking Community, Brussels, 1997.

3. "Statistics on Educational Personnel. Annual report 1995-1996" - Ministry of the French-speaking Community, Brussels, 1997.

17. FOREM Platform: "Equality of Opportunity".

18. Opinion no. 8 of 24 May 1996 of the Council on Equal Or rtunities concerning equal pay for men and women.

19. Leaflet, "The salary you deserve?" plus handbook "Getting the Right Pay for your Job".

20. Brochure, "Focus on Pregnancy", French-speaking Community, November 1993.

21. Report to Parliament by the National Commission to evaluate the law of 3 April 1990 on the interruption of pregnancy (law of 13 August 1990).

22. Table: "Contributions by spousal helpers".

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* These annexes may be consulted through the Division for the Advancement of Women.